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Rules and Regulations

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E3769/R1071; FRL-3796-3]

Pesticide Tolerances for Methidathion; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: In FR doc. 90-13692 in the **Federal Register** of June 14, 1990, the following correction is made on page 24083: In § 180.298(c) in the table, correct "Carabola" to read "Carambola."

DATES: Effective November 28, 1990.

FOR FURTHER INFORMATION CONTACT: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

Dated: September 20, 1990.

Douglas D. Campt,
Director, Office of Pesticide Programs.

[FR Doc. 90-27820 Filed 11-27-90; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-423; RM-6878]

Radio Broadcasting Services; Riviera Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Lappin Communications-Florida, Inc., substitutes Channel 232C3 for Channel 232A at Riviera Beach, Florida, and modifies its license for Station WMXQ(FM) to specify operation on the higher powered channel. Channel 232C3 can be allotted to Riviera Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.4 kilometers (8.3 miles) north, in order to avoid a short-spacing to a construction permit for Station WCVU(FM), Channel 233C, Naples, Florida. The coordinates for this allotment are North Latitude 26-54-21 and West Longitude 80-03-42. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-423, adopted November 5, 1990, and released November 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 232A and adding Channel 232C3 at Riviera Beach.

Federal Communications Commission.

Beverly McKittrick,
Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-27857 Filed 11-27-90; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-490; RM-6751, RM-7184]

Radio Broadcasting Services; Hilo and Kealakekua, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 268C for Channel 221A at Kealakekua, Hawaii, and modifies the license of Station KOAS(FM) to specify operation on the higher class channel, at the request of Kona Broadcasting Systems, Inc. See 54 FR 47687, November 16, 1989. In addition, this action allots Channel 240C2 to Hilo, Hawaii, as that community's sixth local FM service. Channel 268C can be substituted for Channel 221A at Kealakekua in compliance with the Commission's minimum distance separation requirements. The coordinates are North Latitude 19-43-07 and West Longitude 155-54-38. Channel 240C2 can be allotted to Hilo in compliance with the Commission's minimum distance separation requirements. The coordinates are North Latitude 19-43-30 and West Longitude 155-05-24. With this action, this proceeding is terminated.

DATES: Effective January 7, 1991, the window period for filing applications at Hilo, Hawaii, will open on January 8, 1991, and close on February 7, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-490, adopted November 5, 1990, and released November 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Channel 240C2 at Hilo, and by removing Channel 221A and adding Channel 268C at Kealakekua.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-27858 Filed 11-27-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No 88-542; RM-6462; RM-6682]

Radio Broadcasting Services; Lebanon, Molalla and Tillamook, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Spotlight Media Corporation, substitutes Channel 279C for Channel 279C1 at Lebanon, Oregon, and modifies its license for Station KIQY to specify the higher powered channel. Channel 279C can be allotted to Lebanon in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.5 kilometers (3.4 miles) southwest of the community to accommodate petitioner's desired transmitter site. The coordinates for Channel 279C are North Latitude 44-30-17 and West Longitude 122-57-30. The counterproposal of Erasmo Carbajal and Cliff Zauner to allot Channel 281A to Molalla, Oregon, and substitute Channel 282C2 for Channel 281C2 at Tillamook, Oregon, is dismissed. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-542, adopted November 5, 1990, and released November 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 279C1 and adding Channel 279C at Lebanon.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-27859 Filed 11-27-90; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; EC-1]

Equal Credit Opportunity; Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed revisions to the official staff commentary to Regulation B (Equal Credit Opportunity). The commentary applies and interprets the requirements of Regulation B and is a substitute for individual staff interpretations of the regulation. The proposed revisions address the definition of adverse action and state law preemption.

DATES: Comments must be received on or before January 28, 1991.

ADDRESSES: Comments should refer to Docket No. EC-1 and be sent to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to Room B-2222 of the Eccles Building between 8:45 and 5:15 p.m. weekdays or the guard station in the Eccles Building courtyard entrance on 20th Street NW (between Constitution Avenue and C Street NW.) any time. All comments received at the above address will be available for inspection and copying by any member of the public in the Freedom of Information Office, Room B-1122 of the Eccles Building, between 9 a.m. and 5 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: In the Division of Consumer and Community Affairs, Adrienne D. Hurt, Senior Attorney, or Jane Ahrens, Staff Attorney, at (202) 452-2412; for the hearing impaired only, contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD), at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551

SUPPLEMENTARY INFORMATION:

(1) General

The Equal Credit Opportunity Act (ECOA), 15 U.S.C. 1691-1691f, makes it unlawful for creditors to discriminate in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of public assistance, or the exercise of rights under the Consumer Credit Protection Act. This statute is implemented by the Board's Regulation B (12 CFR part 202).

The Board has published an official staff commentary (12 CFR part 202 (Supp. I)) to interpret the regulation. The commentary provides guidance to creditors in applying the regulation to specific transactions, and its updated periodically to address significant questions that arise.

(2) Proposed Revisions

Following is a brief description of the proposed revisions to the commentary:

Section 202.2—Definitions

2(c) Adverse action

Comment 2(c)(2)(ii)-2 would be added to clarify the Board's long-standing position that a notice of adverse action need not be provided in instances where a creditor takes action regarding a current delinquency or default on an account. Notification in accordance with section 202.9 of the regulation generally is required, however, for action on an account based on a past delinquency or default on that account.

One of the purposes of an adverse action notice is to inform an accountholder of the reason for an adverse change on a credit account because the reason may not be immediately evident. When an account is to be terminated because the accountholder is currently delinquent or in default on that account, the accountholder presumably is aware of the fact and the formal notification procedure of section 202.9 is unnecessary. When a termination is based on a past delinquency, on the other hand, the reason for the creditor's action may not be readily apparent to the accountholder. An adverse action notice must be given in such a case.

Section 202.11—Relation to State Law

11(a) Inconsistent state laws

Comment 11(a)-2 would be added to reflect a preemption determination relating to Ohio law that took effect on July 23, 1990 (55 FR 29566).

List of Subjects in 12 CFR Part 202

Banks; Banking; Civil rights; Consumer protection; Credit; Federal Reserve System; Marital status discrimination; Minority groups; Penalties; Religious discrimination; Sex discrimination; Women.

PART 202—[AMENDED]

Pursuant to authority granted in section 703 of the Equal Credit Opportunity Act (15 U.S.C. 1691b), the Board proposes to amend the official staff commentary to Regulation B (12 CFR part 202 Supp. I) as follows:

1. The authority citation for part 202 continues to read as follows:

Authority: 15 U.S.C. 1691-1691f

2. In section 202.2, comment 2(c)(2)(ii)-2 would be added to read as follows:

Section 202.2—Definitions

2(c) Adverse action

* * * * *

Paragraph 2(c)(2)(ii)

* * * * *

2. *Current delinquency or default.* The term adverse action does not include a creditor's termination of an account when the accountholder is currently in default or delinquent on that account. Notification in accordance with section 202.9 of the regulation generally is required, however, if the creditor's action is based on a past delinquency or default on the account.

* * * * *

3. In section 202.11, comment 11(a)-2 would be added to read as follows:

Section 202.11—Relations to State Law

11(a) Inconsistent state laws

* * * * *

2. *Preemption determination—Ohio.* Effective July 23, 1990, the board has determined that the following provision in the state law of Ohio is preempted by the federal law:

• Section 4112.021(B)(1)—Unlawful discriminatory practices in credit transactions. This provision is preempted to the extent that it bars asking or favorably considering the age of an elderly applicant; prohibits the consideration of age in a credit scoring system; permits without limitation the consideration of age in real estate

transactions; and limits the consideration of age in special-purpose credit programs to certain government-sponsored programs identified in the state law.

* * * * *

Board of Governors of the Federal Reserve System, November 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27893 Filed 11-27-90; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Proposed Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed official staff interpretation.

SUMMARY: The Board is publishing for comment proposed revisions to the official staff commentary to Regulation Z (Truth in Lending). The commentary applies and interprets the requirements of Regulation Z and is a substitute for individual staff interpretations. The proposed revisions address several issues, including renewals of home equity lines, credit card substitution, and renewable balloon payment mortgages.

DATES: Comments must be received on or before January 28, 1991.

ADDRESSES: Comments should refer to Docket No. TIL-1 and be sent to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. They may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays or delivered to the guard station in the Eccles Building Courtyard on 20th Street NW. (between Constitution Avenue and C Street NW.) any time. All comments received at the above address will be available for inspection and copying by any member of the public in the Freedom of Information Office Room B-1122 of the Eccles Building between 9 a.m. and 5 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: The following attorneys in the Division of Consumer and Community Affairs, at (202) 452-3667 or (202) 452-2412: Jane Ahrens, Sharon Bowman, Leonard Chanin, Adrienne Hurt, Thomas Noto, Kurt Schumacher, Mary Jane Seebach, John Wood. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson, at (202) 452-3544. Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) General

The Truth in Lending Act (15 U.S.C. 1601 *et seq.*) governs consumer credit transactions and is implemented by the Board's Regulation Z (12 CFR part 226). Effective October 13, 1981, an official staff commentary (TIL-1, supp. I to 12 CFR part 226) was published to interpret the regulation. The Commentary is designed to provide guidance to creditors in applying the regulation to specific transactions and is updated periodically to address significant questions that arise. It is expected that the proposed update will be adopted in final form in March 1991 with optional compliance until the uniform effective date of October 1, 1991, for mandatory compliance.

(2) Proposed Revisions

The following is a description of the proposed revisions to the commentary:

Subpart A—General

Section 226.4—Finance Charge

4(a) Definition

Comment 4(a)-2 would be revised to explain that a tax imposed on a creditor by a state is a finance charge if the creditor separately imposes the charge on the consumer in connection with a credit transaction (instead of absorbing the charge as a cost of doing business), even if the creditor is authorized by the state to pass the charge on to the consumer.

Subpart B—Open-End Credit

Section 226.5a—Credit and Charge Card Applications and Solicitations

5a(b) Required Disclosures

5a(b)(2) Fees for Issuance or Availability

Comments 5a(b)(2)-1 and 5a(b)(2)-2 would be revised to clarify that disclosures presented in the tabular format should not include certain membership fees and fees for enhancements. 5a(c) Direct-Mail Applications and Solicitations.

Comment 5a(c)-1 would be revised to correct an error. Under section 226.5a(b)(1)(ii), for direct-mail applications and solicitations, an accurate variable annual percentage rate is one in effect within 60 days before mailing.

Comment 5a(c)-2 currently indicates that a single application form can be used both in direct mailings and in public locations as "take-ones," provided the card issuer meets certain conditions. One of the conditions is that the form not include the disclosures referred to in section 226.5a(e)(1) (ii) and (iii) (the printing date, the statement that the credit terms are accurate as of that date and subject to change thereafter, the statement that the consumer should contact the issuer for updated information, and a toll-free telephone number or a mailing address). The comment would be revised to give card issuers more flexibility, in that the disclosures identified above could either be omitted or included, provided the issuer adheres to certain requirements relating to the accuracy of the credit terms in each case.

5a(e) Applications and Solicitations Made Available to General Public

5a(e)(1) Disclosure of Required Credit Information

Comment 5a(e)(1)-2 would be revised by making a technical correction. Currently the comment states that the disclosures specified in section 226.5a(e)(1)(i), (ii), and (iii) may appear either in or outside the table containing the credit term disclosures. Since the disclosures referred to in section 226.5a(e)(1)(i) are themselves the credit term disclosures, the comment would be revised to refer only to section 226.5a(e)(1) (ii) and (iii).

Section 226.5b—Requirements for Home Equity Plans

Existing comments 5b-2 through 5b-5 would be redesignated as comments 5b-3 through 5b-6, respectively. New comment 5b-2 would be added to provide guidance on when changes to a home equity plan are governed by the change in terms rules in section 226.9(c), and when changes constitute a new plan requiring completely new disclosures.

5b(d) Content of Disclosures

5b(d)(4) Possible Actions by Creditor

Paragraph 5b(d)(4)(iii)

A technical change would be made to comment 5b(d)(4)(iii)-1 to provide guidance concerning the ability of creditors to retain the right to freeze a line of credit if the maximum annual percentage rate is reached. This provision is added in light of the recent amendment to section 226.5b(f)(3)(i) (55 FR 38310, September 18, 1990; correction notice at 55 FR 39538, September 27, 1990). That amendment permits a creditor to provide in its initial agreement that further advances will be prohibited or the credit limit reduced when the maximum annual percentage rate is reached.

5b(d)(5) Payment Terms

Paragraph 5b(d)(5)(iii)

Comment 5b(d)(5)(iii)–4 would be revised to clarify the treatment of reverse mortgages with shared appreciation features. The comment would correct a cross reference. A reverse mortgage with an appreciation feature is not a variable rate plan if the underlying interest rate is fixed. As discussed in the commentary to section 226.6(a)(2), a plan is variable rate only if the rate may change. Under open-end credit, the rate is not affected by a shared appreciation feature.

5b(d) (8) Fees Imposed by Third Parties to Open a Plan

Comment 5b(d)(8)–2 would be revised to clarify that while a creditor must always state the total of third party fees, the total sum need not include costs for property insurance if the creditor discloses that such insurance is required. The comment also would clarify that an itemization of third party fees provided in response to a consumer's request must contain the disclosure about property insurance. (The creditor either may disclose the amount of the premium or state that property insurance is required.)

5b(f) Limitations on Home Equity Plans

Paragraphs 5b(f)(3)(i) and (vi)

Comments 5b(f)(3)(i)–1 and 5b(f)(3)(vi)–1 would be revised in light of the recent amendments to section 226.5b(f)(3)(i) and 226.5b(f)(3)(vi). These amendments permit a creditor to provide in its initial agreement that further advances will be prohibited or the credit limit reduced when the maximum annual percentage rate is reached.

Section 226.6—Initital Disclosure Statement

6(e) Home Equity Plan Information

Comment 6(e)–4 would be revised to clarify that when disclosures are the same for the draw and repayment phase, creditors need not explicitly state that the information applies to both phases, as long as this fact is clear.

Section 226.9—Subsequent Disclosure Requirements

9(c) Change in Terms

Paragraph 9(c)(1) Written Notice Required

Section 226.9(c)(1) requires creditors to provide a notice whenever any term required to be disclosed under section 226.6 is changed. Section 226.6(e)(7) requires creditors to give certain variable-rate and payment examples for home equity plans, unless the disclosures provided with the application were in a form the consumer could keep and included representative payment examples covering the payment option chosen by the consumer.

Comment 9(c)(1)–6 would be revised to clarify that if the index is changed, the maximum annual percentage rate is increased, or a variable rate feature is added to a fixed rate plan, the creditor must give the maximum rate information required by section 226.5b(d)(12)(x) and historical example required by section 226.5b(d)(12)(xi), unless these disclosures are unchanged from those given earlier. A parenthetical referencing section 226.30 is included to alert creditors to the fact that comment 30–11 permits a creditor to increase the maximum rate on a home equity plan only for the period after the original maturity. The comment also would clarify that if the minimum payment requirement is changed, the creditor must give the payment disclosures required by section 226.5b(d)(5)(iii) (and, in variable rate plans, the disclosures required by section 226.5b(12)(x) and (d)(12)(xi)) unless the disclosures given earlier contained representative examples covering the new minimum payment requirement. As provided under section 226.5b(f)(3)(iv) (discussing beneficial changes), a creditor may offer the consumer the option of making lower payments without giving a change in terms notice.

Section 226.12—Special Credit Card Provisions

12(a) Issuance of Credit Cards

Comment 12(a)(2)–2 currently indicates that a card issuer may replace one card with an unsolicited substitute card in a number of instances, including where credit features are added or changed. The comment would be revised to explain that certain replacements are not considered permissible substitutions for purposes of section 226.12(a). The proposed revision provides that certain additions or changes may so alter an underlying credit card account relationship that the unsolicited replacement of the card on the original account by a new card cannot be deemed to be a substitution, and is impermissible. Such a situation would occur, for example, if a second credit account is established that will be accessed by the same card and for which the creditor must give initial disclosures to the cardholder.

Section 226.16—Avertising

16(d) Additional Requirements for Home Equity Plans

Comment 16(d)–4 would be revised to clarify that creditors may state, for example, "no closing costs" in cases where property insurance may be required as long as the creditor includes a disclosure that such insurance may be required. Such treatment would address the concern that, in many cases, insurance already is being carried on the property, and would parallel the treatment of such insurance in other parts of the regulation.

Subpart C—Closed-End Credit

Section 226.17—General Disclosure Requirements

17(a) Form of Disclosures

Paragraph 17(a)(1)

There have been occasional requests (particularly by creditors using multi-purpose disclosure forms) to allow disclosure of the assumability of non-residential mortgage transactions. Comment 17(a)(1)–5 would be revised to indicate that a creditor may disclose in the segregated disclosures ("federal box") whether or not a secured credit transaction is assumable (even if the transaction is not a residential mortgage transaction).

17(c) Basis of Disclosures and Use of Estimates

Paragraph 17(c)(1)

Comment 17(c)(1)–11 would be revised to provide additional guidance on when a renewable loan with a balloon payment (formerly referred to as a "renegotiable-rate" mortgage instrument) should be disclosed as a long-term variable-rate loan as opposed to a short-term balloon loan. The comment would provided that such loans should be disclosed as variable-rate transactions when the creditor is either unconditionally obligated to renew the loan or is obligated to renew subject only to conditions within the consumer's control. The proposed comment provides examples of conditions within the consumer's control and those outside the consumer's control. As an example of applying the analysis, the Federal National Mortgage Association (FNMA) seven-year expendable balloon product (which provides that the creditor need not renew if the rate would be more than 5% higher than the initial loan rate) would be disclosed as a balloon payment loan and not as a variable-rate transaction.

Section 226.19—Certain Residential Mortgage Transactions

19(b) Certain Variable-Rate Transactions

Comment 19(b)–3 provides factors to determine whether or not a transaction involves an "intermediary agent or broker," which affects the timing rules for certain disclosures. The factors look to whether there is a relationship between the creditor and the broker in which the creditor has knowledge of and exercises control over the broker's actions. The third factor describing the amount of work completed by the broker would be revised to recognize that a large amount of work performed by a broker may not necessarily evidence this sort of relationship. For example, for purposes of this factor, a broker's submission of a completed loan package to a creditor may not indicate a close relationship between the two if such a practice is customary in a particular area.

Comment 19(b)–5 would be revised to parallel the proposed revisions to comment 17(c)(1)–11 describing renewable balloon-payment mortgage instruments.

Section 226.20—Subsequent Disclosure Requirements

29(a) Refinancings

Comment 20(a)–3 would be revised to reflect the name change for describing a renewable balloon-payment mortgage (formerly referred to as a "renegotiable-rate" mortgage) in proposed comments 17(c)(1)–11 and 19(b)–5.

20(c) Variable-Rate Adjustments

An issue concerning the accuracy of adjustments made to variable-rate loans has arisen in recent months. Concern has been raised that some creditors may not be adjusting such loans consistent with the terms of the underlying legal obligation, resulting in inaccurate interest rate and payment adjustments. Just as rate and payment adjustments must reflect the terms of the legal obligation, the subsequent disclosures under Regulation Z, required for certain variable-rate transactions, must reflect the terms of the legal obligation. Section 226.20(c) requires disclosures to be provided to consumers in cases where the interest rate is adjusted in variable-rate transactions subject to section 226.19(b), including disclosures about the new interest rate and payment. Comment 20(c)–3 would be added to reiterate that the general requirement of section 226.17(c)(1), that disclosures reflect the terms of the legal obligation between the parties, applies to the disclosures for variable rate transactions required under section 226.20(c). Thus, for example, disclosures about the new interest rate and payment must be based on the index type and index value specified in the legal obligation.

Subpart D—Miscellaneous

Section 226.28—Effect on State Laws

28(a) Inconsistent Disclosure Requirements

Comment 28(a)–15 would be added to reflect the Board's recent determination of the effect of the Truth in Lending Act and Regulation Z on certain provisions of the law of Wisconsin dealing with disclosures for home equity plans and the right of a creditor to accelerate the outstanding balance when a nonapplicant spouse terminates a plan. The notice of this determination was published at 55 FR 31815 (August 6, 1990).

Section 226.30—Limitation on Rates

Comment 30–1 would be revised to reflect the name change for describing a renewable balloon-payment mortgage (formerly referred to as a "renegotiable-rate" mortgage) in proposed comment 17(c)(1)–11.

List of Subjects in 12 CFR Part 226

Advertising, Banks, Banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Rate limitations, Truth in Lending.

Certain conventions have been used to highlight the proposed revisions. New language is shown inside bold-faced arrows, while language that would be deleted is set off with brackets.

(3) Text of Proposed Revisions

Pursuant to authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board proposes to amend the official staff commentary to Regulation Z (12 CFR part 226 Supp. I) as follows:

PART 226—[AMENDED]

1. The authority citation for part 226 continues to read:

Authority: Truth in Lending Act, 15 U.S.C. 1604 and sec. 2, Pub. L. 100–583, 102 Stat. 2960; sec. 1204(c), Competitive Equality Banking Act, 12 U.S.C. 3806.

Subpart A—General

Section 226.4—Finance Charge

2. Comment 4(a)–2 would be amended by adding a second bullet after the first bullet to read as follows:

4(a) Definition.

* * * * *

2. Costs of doing business. * * *

• A tax imposed by a state on a creditor is a finance charge if the creditor separately imposes the charge on the consumer, even if the state permits the creditor to pass the tax on the consumer.

* * * * *

Subpart B—Open-End Credit

Section 226.5a—Credit and Charge Card Applications and Solicitations

3. Comments to 5a(b)(2) would be amended by revising the third sentence in comment 5a(b)(2)–1, and by revising comment 5a(b)(2)–2 to read as follows:

5a(b) Required Disclosures

* * * * *

5a(b)(2) Fees for Issuance or Availability

1. *Membership fees.* * * * Such a fee ►should◄ [need] not be disclosed ►in the table◄ if membership results merely in eligibility to apply for an account.

2. *Enhancements.* Fees for optional services in addition to basic membership privileges in a credit or charge card account (for example, travel insurance or card-registration services) ►should◄ [need] not be disclosed ►in the table◄ [under this paragraph] if the basic account may be opened without paying such fees.

* * * * *

4. Comments to 5a(c) would be amended by revising the second sentence in comment 5a(c)–1, and by revising the third sentence and adding a new sentence after the third sentence in comment 5a(c)–2 to read as follows:

5a(c) Direct-Mail Applications and Solicitations

1. *Accuracy.* * * * (An accurate variable annual percentage rate is one in effect within [30] ►60◄ days before mailing.)

2. *Mailed publications.* * * * In addition, a card issuer may use a single application form as a "take-one" (in racks in public locations, for example) and for direct mailings, if the card issuer complies with the requirements of section 226.5a(c) even when the form is used as a "take-one"—that is, by [providing current information and] presenting the required ►section 226.5a(b)◄ disclosures in a tabular format [and eliminate the information required under section 226.5a(e)(1)(ii) and (iii)]. ►When used in a direct mailing, the credit term disclosures must be accurate as of the mailing date whether or not the section 226.5a(e)(1)(ii) and (iii) disclosures are included; when used in a take-one, the disclosures must be accurate for as long as the take-one forms remain available to the public if the section 226.5a(e)(1)(ii) and (iii) disclosures are omitted. (If those disclosures are included in the take-one, the credit term disclosures need only be accurate as of the printing date.)◄

* * * * *

5. Comment 5a(e)(1)–2 would be revised to read as follows:

5a(e) Applications and Solicitations Made Available to General Public

* * * * *

5a(e)(1) Disclosure of Required Credit Information

* * * * *

2. *Form of disclosures.* The disclosures specified in section 226.5a(e)[(i),](ii)[,] and (iii) may appear either in or outside the table containing the required credit disclosures.

* * * * *

6. Comments 5b–2 through 5b–5 would be redesignated as comments 5b–3 through 5b–6, respectively, and new comment 5b–2 would be added to read as follows:

Section 226.5b—Requirements for Home Equity Plans

* * * * *

2. *Changes to home equity plans entered into on or after November 7, 1989.* Section 226.9(c) applies if, by written agreement under section 226.5b(f)(3)(iii), a creditor changes the terms of a home equity plan before its scheduled expiration, for example, by renewing a plan on different terms. A new plan results, however, if the plan is renewed (with or without changes to the terms) after the scheduled expiration. The new plan is subject to all open-end credit rules, including sections 226.5b, 226.6, and 226.15.◄

* * * * *

7. Comment 5b(d)(4)(iii)–1 would be amended by revising the fourth sentence to read as follows:

5b(d) Content of Disclosures

* * * * *

5b(d)(4) Possible Actions by Creditor

* * * * *

Paragraph 5b(d)(4)(iii)

1. *Disclosure of conditions.* * * * As an alternative to disclosing the conditions in this manner, the creditor may simply describe the conditions using the language in section 226.5b(f)(2)►, 226.5b(f)(3)(i) (regarding freezing the line when the maximum annual percentage rate is reached),◄ and 226.5b(f)(3)(vi) or language that is substantially similar.

* * *

* * * * *

8. Comment 5b(d)(5)(iii)–4 would be amended by revising the second sentence in the fourth bullet to read as follows:

5b(d)(5) Payment Terms

* * * * *

Paragraph 5b(d)(5)(iii)

* * * * *

4. *Reverse mortgages* * * *

• * * * The appreciation feature must be disclosed in accordance with ►this◄ section [226.5b(d)(12)].

* * * * *

9. Comment 5b(d)(8)–2 would be amended by revising the first sentence, and by adding a new sentence after the fourth sentence to read as follows:

5b(d)(8) Fees Imposed by Third Parties to Open a Plan

* * * * *

2. *Itemization of third-party fees.* In all cases creditors must state the total of third-party fees as a single dollar amount or a range ►except that the total need not include costs for property insurance if the creditor discloses that such insurance is required◄. * * * ►Any itemization provided upon the consumer's request must include the disclosure about property insurance (either the amount of the premium or the fact that property insurance is required).◄

* * * * *

10. Comment 5b(f)(3)(i)–2 would be amended by revising the first sentence, and by adding a new sentence after the first sentence to read as follows:

5b(f) Limitations on Home-Equity Plans

* * * * *

Paragraph 5b(f)(3)(i)

1. *Changes provided for in the agreement.* A creditor may provide in the initial agreement [for] ►that further advances will be prohibited or the credit line reduced during any period in which the maximum annual percentage rate is reached. A creditor also may provide for other◄ specific changes to take place upon the occurrence of specific events. * * *

* * * * *

11. Comment 5b(f)(3)(vi)–1 would be amended by revising the first sentence and by adding a new sentence after the first sentence to read as follows:

Paragraph 5b(f)(3)(vi)

1. *Suspension of credit privileges or reduction of credit limit.* A creditor may prohibit additional extensions of credit or reduce the credit limit in the circumstances specified in ►this section of◄ the regulation. ►In addition, as discussed under section 226.5b(f)(3)(i), a creditor may contractually reserve the right to take such action when the maximum annual percentage rate is reached.◄ * * *

* * * * *

Section 226.6—Initial Disclosure Statement

12. Comment 6(e)–4 would be amended by revising the third sentence to read as follows:

6(e) Home Equity Plan Information

* * * * *

4. *Disclosures for the repayment period.* * * * To the extent the corresponding annual percentage rate, the information in footnote 12, and any other required disclosures are the same for the draw and repayment phase, the creditor need not repeat such information, as long as [the disclosure clearly states] ►it is clear◄ that the information applies to both phases.

* * * * *

Section 226.9—Subsequent Disclosure Requirements

13. Comment 9(c)(1)–6 would be amended by revising the heading, by revising the first, and by adding three new sentences after the first sentence to read as follows:

9(c) Change in Terms:

* * * * *

9(c)(1) Written notice required.

* * * * *

6. [*Home-equity plans.*] ►*Changes to home-equity plans.*◄ [If a creditor renews the draw period for a home equity plan] ►Section 226.9(c) applies when, by written agreement under section 226.5b(f)(3)(iii), a creditor changes the terms of a home equity plan before its scheduled expiration, for example, by renewing a plan◄ on terms different from those of the original plan[, the requirements of section 226.9(c) apply to such a change]. ►In disclosing the change:

• If the index is changed, the maximum annual percentage rate is increased (to the limited extent permitted by section 226.30), or a variable-rate feature is added to a fixed-rate plan, the creditor must include the disclosures required by section 226.5b(d)(12)(x) and (d)(12)(xi), unless these disclosures are unchanged from those given earlier.

• If the minimum payment requirement is changed, the creditor must include the disclosures required by section 226.5b(d)(5)(iii) (and, in variable-rate plans, the disclosures required by section 226.5b(d)(12)(x) and (d)(12)(xi)) unless the disclosures given earlier contained representative examples covering the new minimum payment requirement. (See the commentary to section 226.5b(d)(5)(iii), (d)(12)(x), and (d)(12)(xi) for a discussion of representative examples.)◄ * * *

* * * * *

Section 226.12—Special Credit Card Provisions

14. Comment 12(a)(2)–2 would be amended by adding two sentences at the end of the third bullet to read as follows:

12(a) Issuance of credit cards.

* * * * *

Paragraph 12(a)(2)

* * * * *

2. *Substitution—examples.*

* * * * *

* * * *

If, however, in changing the credit or other features available on the account, a new open-end credit card account is opened (which would require initial disclosures to be given), the unsolicited replacement of one card with another is not a permissible substitution. For example, if a retail card issuer replaces its credit card with a co-branded bank card and the creditors maintain two separate accounts, the replacement card cannot be provided to

consumers without solicitation since the addition of the bank card account would require initial disclosure under § 226.6.

* * * * *

Section 226.16—Advertising

15. Comment 16(d)–4 would be amended by adding two new sentences after the second sentence to read as follows:

16(d) Additional Requirements for Home Equity Plans

* * * * *

4. *Misleading terms prohibited.* * * * ►In the case of property insurance, however, a creditor may state, for example, "no closing costs" even if property insurance may be required, as long as the creditor also provides a statement that such insurance may be required. (See the commentary to this section regarding fees to open a plan.)◄

* * * * *

Subpart C—Closed End Credit

16. Comment 17(a)(1)–5 would be amended by adding a bullet after the thirteenth bullet to read as follows:

Section 226.17—General Disclosure Requirements

17(a) Form of disclosures

Paragraph 17(a)(1).

* * * * *

5. *Directly related.* * * *

• A statement whether or not a subsequent purchaser of the property securing an obligation may be permitted to assume the remaining obligation on its original terms.

* * * * *

17. Comment 17(c)(1)–11 would be amended by revising the first bullet to read as follows:

17(c) Basis of disclosures and use of estimates

Paragraph 17(c)(1)

* * * * *

11. *Other variable-rate transactions.* * * *

• [Renegotiable-rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation.] ►Renewable balloon-payment instruments◄ where the [lender is] ►creditor is unconditionally◄ obligated to renew the short-term loan[s] at the consumer's option ►(or is obligated to renew subject to conditions within the consumer's control) and at◄ [. At] the time of renewal, the [lender] ►creditor◄ has the option of increasing the interest rate. Disclosures must be [given for the longer term of the obligation] ►based on the payment authorization (unless the specified term of the obligation with renewals is shorter)◄, with all disclosures calculated on the basis of the rate in effect at the time of consummation of the transaction. ►Examples of conditions within a consumer's control include requirements that a consumer be current in payments or continue to reside in the mortgaged property. In contrast, setting a limit on the rate at which the creditor would be obligated to renew or reserving the right to change the credit standards at the time of renewal are examples of conditions outside a consumer's control. Thus, for example, language in the obligation allowing the creditor to obtain a credit report at the time of renewal to verify the continuation of the consumer's credit standing would not affect disclosure of the transaction as a long term variable-rate obligation. If the obligation permits the creditor to apply a new credit standard at the time of renewal, however, the transaction must be disclosed as a short-term balloon-payment loan.◄

* * * * *

Section 226.19—Certain Residential Mortgage and Variable-Rate Transactions

18. Comment 19(b)–3 would be amended by revising the third bullet and the paragraph following that bullet to read as follows:

19(b) Certain Variable-Rate Transactions.

* * * * *

3. *Intermediary agent or broker.* * * *

• The amount of work (such as document preparation) the creditor expects to be done by the broker on an application based on the creditor's prior dealings with the broker and on the creditor's requirements for accepting applications ►, taking into consideration the customary practice of brokers in a particular area◄. The more [preparation] ►work◄ that the creditor expects the broker to do on an application, ►in excess of what is usually expected of a broker in that area,◄ the less likely it is that the broker would be considered an "intermediary agent or broker" of the creditor.

An example of an "intermediary agent or broker" is a broker who, customarily within a brief period of time after receiving an application, inquires about the credit terms of several creditors with whom the broker does business and submits the application to one of them. The broker is responsible for only a small percentage of the applications received by that creditor. During the time the broker has the application, it might request a credit report and an appraisal ►(or even prepare an entire loan package if customary in a particular area)◄.

* * * * *

19. Comment 19(b)–5 would be amended by revising the first bullet to read as follows:

5. *Examples of variable-rate transactions.* * * *

• [Renegotiable-rate mortgage instruments that involve a series of short-term loans secured by a long-term obligation.] ►Renewable balloon-payment instruments◄ where the [lender] ►creditor◄ is ►unconditionally◄ obligated to renew the short-term loan[s] at the consumer's option ►(or is obligated to renew the subject to conditions within the consumer's control) and at◄ [. At] the time of renewal, the [lender] ►creditor◄ has the option of increasing the interest rate. ►(See the commentary to section 226.17(c)(1) on examples of variable-rate transactions for discussion of conditions within a consumer's control in connection with renewable balloon-payment loans.)◄

* * * * *

Section 226.19 [Amended]

20. In section 226.19, under "References," in the paragraph designated "1981 changes," the phrase "ection 226.20—Subsequent Disclosure Requirements" at the end of the paragraph would be deleted, and a new heading "Section 226.20—Subsequent Disclosure Requirements" would be added, directly below that paragraph.

Section 226.20—Subsequent Disclosure Requirements

21. Comment 20(a)–3 would be amended by revising the second sentence to read as follows:

20(a) Refinancings

* * * * *

3. *Variable rate.* * * * For example, a [renegotiable rate] ►renewable balloon-payment◄ mortgage that was disclosed as a variable-rate transaction is not subject to new disclosure requirements when the variable-rate feature is invoked.

* * * * *

22. Comment 20(c)–3 would be added to read as follows:

* * * * *

20(c) Variable-Rate Adjustments

* * * * *

3. *Legal obligation.* The disclosures required under this section must reflect the terms of the parties' legal obligation, as required under section 226.17(c)(1).

* * * * *

Subpart D—Miscellaneous

Section 226.28—Effect on State Laws

23. Comment 28(a)–15 would be added to read as follows:

28(a) Inconsistent disclosure requirements

* * * * *

15. *Preemption determination—Wisconsin.* Effective October 1, 1991, the Board has determined that the following provisions in the state law of Wisconsin are preempted by the federal law:

• Section 422.308(1)—the disclosure of the annual percentage rate in cases where the amount of the annual percentage rate disclosed to consumers under the state law differs from the amount that would be disclosed under federal law, since in those cases the state law requires the use of the same term as the federal law to represent a different amount than the federal law.

• Section 766.565(5)—the provision permitting a creditor to include in an open-end home equity agreement authorization to declare the account balance due and payable upon receiving notice of termination from a non-obligor spouse, since such provision is

inconsistent with the purpose of the federal law.◄

* * * * *

Section 226.30—Limitation on Rates

24. Comment 30–1 would be amended by revising the second sentence in the fourth bullet to read as follows:

1. *Scope of coverage.* * * *

• * * * (Contrast with the [renegotiable-rate] ►renewable balloon-payment◄ instrument described in comment 17(c)(1)–(11.)

* * * * *

Board of Governors of the Federal Reserve System, November 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–27894 Filed 11–27–90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AE57

Vocational Training Program for Certain Pensioners

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulatory amendments.

SUMMARY: The Veterans' Benefits Amendments of 1989 changes the age requirement for the participation of certain veterans receiving VA pension in an evaluation of their potential for training and employment from under age 50 to under age 45. In addition, the law precludes a change in the veteran's rating as permanently and totally disabled unless the veteran is employed for twelve consecutive months. The intended effect of these proposed regulatory changes is to implement statutory changes which affect the vocational training program.

DATES: Comments must be received on or before December 28, 1990. All comments received will be available for public inspection until January 7, 1991. It is proposed that this change be made effective December 18, 1989, the date of enactment.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding these changes to the Secretary of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420. All written comments will be available for public inspection only in the Veterans Services Unit, room 132 of the above address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Vocational Rehabilitation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–6496.

SUPPLEMENTARY INFORMATION: Under the vocational training program for certain pensioners, veterans under age 50 who were awarded pension during the program period beginning February 1, 1985, were required to participate in an evaluation of their ability to participate in a vocational training program. The vocational training program is designed to help recipients of VA pension benefits who have vocational potential to train for and secure suitable, stable employment and thereby remove the need for these benefits. Pub. L. 101–237 lowers the age of veterans awarded pension who are required to participate in this evaluation from under 50 to under 45. The law also precludes any change in a veteran's evaluation as permanently and totally disabled because of his or her ability to secure suitable employment which uses the training and other services provided by VA unless the veteran maintains this employment for twelve consecutive months. The employment which the veteran secures must be obtained not later than one year after the date the veteran's eligibility for counseling under the program expires.

VA has determined that these proposed regulations do not contain a major rule as that term is defined in Executive Order 12291, Federal Regulations. The proposal will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

These regulatory amendments are retroactively effective. These are interpretive rules which implement statutory provisions. Moreover, VA finds that good cause exists for making these rules, like the section of the law which they implement, retroactively effective to the date of enactment. A delayed effective date would be contrary to statutory design; would complicate implementation of this provision of law; and might result in a denial of a benefit to a veteran who is entitled by law to that benefit.

The Secretary certifies that these amendments will not, if promulgated have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA) 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these rules are therefore exempt from the initial and final flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the amendments only affect the rights of individual beneficiaries. No new regulatory burdens are imposed on small entities by these amendments.

(The Catalog of Federal Domestic Assistance number is 64.116.)

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: November 8, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 21, Vocational Rehabilitation and Education, is proposed to be amended as follows:

Subpart I—[Amended]

1. The authority citation for subpart I continues to read as follows:

Authority: Pub. L. 98–543, 38 U.S.C. 210 and chapter 15, sections specifically cited.

§ 21.6015 [Amended]

2. In § 21.6015, paragraphs (a) and (b)(1), remove the numbers "50" where they appear and add, in their place, the numbers "45", and add the following to the authority citation in paragraph (a): ", Pub. L. 100–687, Pub. L. 101–237", and the following to the authority citation in paragraph (b)(2): ", Pub. L. 101–237".

§§ 21.6050 and 21.6059 [Amended]

3. In § 21.6050, paragraph (a), remove the numbers "50" where they appear and add, in their place, the numbers "45"; and remove the words "a pension" where they appear and add, in their place, the word "pension".

4. In §§ 21.6050 and 21.6059, remove the numbers "50" and add, in their place, the numbers "45" in the following places:

(a) Section 21.6050, paragraphs (c)(1), (c)(2) and (e)

(b) Section 21.6059, paragraphs (c)(1) and (d)

5. In addition to the amendments set forth above, in §§ 21.6050 and 21.6059, the following is added to the authority citation in the paragraphs set forth below: ", Pub. L. 101–237".

(a) Section 21.6050, paragraphs (a), (c)(2) and (e)

(b) Section 21.6059, paragraphs (c)(4) and (d)

§ 21.6420 [Amended]

6. In § 21.6420, the authority citation to the introductory text is revised, paragraph (a)(1) is revised, an authority citation is added to paragraph (a)(2), and paragraph (d) and its authority citation are added to read as follows:

§ 21.6420 Coordination with the Adjudication Division

* * * * *

(Authority: 38 U.S.C. 524, Pub. L. 101-237)

(a) *Evaluation*

(1) The date an evaluation being provided a veteran under age 45, who is required to participate in such evaluation, is suspended because of unsatisfactory conduct or cooperation; and

(2) * * *

(Authority: 38 U.S.C. 524, Pub. L. 101-237)

* * * * *

(d) *Information to determine if the veteran's permanent and total disability rating is protected under § 3.343.* The information provided by the case manager includes:

(1) The employment was within the scope of the vocational goal identified in the veteran's individualized written plan of vocational rehabilitation, or in a related field, and the employment secured by the veteran requires the use of the training or services furnished under the rehabilitation plan.

(2) Employment was secured not later than one year after the date the veteran's eligibility for counseling expired. A veteran's eligibility for counseling expires on the date employment services are terminated by VA or the veteran completes rehabilitation to the point of employability and terminates program participation, whichever is later; and

(3) The veteran maintained his or her employment for 12 consecutive months.

(Authority: 38 U.S.C. 524, Pub. L. 101-237)

[FR Doc. 90-27879 Filed 11-27-90; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 142

[WH-FRL-3859-9]

National Primary Drinking Water Regulations Implementation Primary Enforcement Responsibility

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is today giving notice that it is reconsidering the language of 40 CFR 142.17(a)(2), which concerns EPA's initiation of proceedings that could lead to the withdrawal of State primary enforcement responsibility ("primacy") for the Public Water System Supervision program under the Safe Drinking Water Act ("SDWA"), 42 U.S.C. 300f et. seq. This provision was adopted in a notice of final rulemaking published on December 20, 1989 (54 FR 52126). The Agency proposes to retain the language for this provision adopted in that final rulemaking but solicits comment on whether this language should be revised.

DATES: Written comments must be submitted by December 27, 1990, to the address noted immediately below.

ADDRESSES: Written comments should be submitted to Ms. Murlene Lash (WH-550E), State Programs Division, Office of Drinking Water, U.S. EPA, 401 M Street Washington, DC. 20460. Supporting documents for this rulemaking are available for review during normal business hours at U.S. EPA, room 1003 East Tower, 401 M Street SW., Washington, DC 20460; telephone (202) 382-5522.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline, toll-free (800) 426-4791, or in Washington, DC at (202) 382-5533, or Carl Reeverts, Deputy Director, State Programs Division, Office of Drinking Water, EPA (WH-550E), 401 M Street SW., Washington, DC 20460; telephone (202) 382-5522.

SUPPLEMENTARY INFORMATION:

A. Background

40 CFR part 142, subpart B sets out requirements for States to obtain primacy for the Public Water System Supervision program, as authorized by section 1413 of the SDWA. EPA first promulgated these regulations on January 20, 1976. On December 20, 1989, EPA published amendments to these regulations (54 FR 52126).

The December, 1989 final rule amending the part 142 regulations was prompted by a recognition that the operation and scope of the PWSS program have changed considerably since the regulations were first promulgated. In addition, the SDWA Amendments of 1986 made significant changes to the scope and content of the drinking water program (see 54 FR 52127). The rinal rule established for the first time explicit procedures that States will need to follow to revise their approved primacy programs to adopt the requirements of new or revised EPA drinking water regulations. There are a large number of such new or revised regulations that EPA has promulgated or will be promulgating pursuant to the 1986 SDWA Amendments. In addition, among other things, the rule modified the language of the provision in part 142 that concerns EPA's initiation of procedures that could lead to the withdrawal of primacy status for States that EPA determines are not continuing to meet the requirements for primacy (see § 142.17(a)(2)).

Portions of the final rule are the subject of a petition for review filed by the National Wildlife Federation in the D.C. Circuit Court of Appeals (*National Wildife Federation* v. *Reilly*, No. 90-1072, filed February 13, 1990). Among other things, NWF challenges on both procedural and substantive gounds the revision to the language on program withdrawals in § 142.17(a)(2). On procedural grounds, NWF alleges that the Agency provided insufficient opportunity for the public to comment on the revision to § 142.17(a)(2), in violation of requirements of the Administrative Procedure Act ("APA"). As to substance, NWF contends that EPA was without statutory authority to promulgate a revision making explicit that it is within EPA's discretion whether to initiate proceedings to withdraw a State's PWSS primacy program.

EPA does not believe that the APA requires additional public notice and opportunity for comment on the revision to § 142.17(a)(2). Also, the Agency believes that this revision was fully authorized and appropriate under the SDWA, as explained below. Nevertheless, to ensure the fullest possible public input on the issues involved, EPA has decided to allow additional opportunity to comment in this case. EPA therefore is re-opening consideration of § 142.17(a)(2), and is today soliciting public comment on the change to this provison made in the December, 1989 regulation amendments.

B. Discussion of Withdrawals Provision

EPA today proposes to retain the same language in § 142.17(a)(2) that was promulgated in the December, 1989 final primacy rule revisions. This provision clearly states that it is within EPA's discretion whether to initiate procedures that could lead to withdrawal of a State's primacy program when the Administrator determines that the State program fails to continue to meet federal requirements for primacy. This provision is authorized by SDWA secton 1413, which affords discretion to the Administrator in matters concerning program withdrawals (see section

1413(b)). Although the language is revised, EPA does not view the effect of the revised regulation to be different from that of the prior regulation (§ 142.12(b)(2)), which EPA has always interpreted and applied as providing this discretion to the Administrator. The Agency's purpose in revising this language was to clarify the discretionary nature of EPA's program withdrawal authority.

That the SDWA affords this discretion to the Administrator is supported by its legislative history. The legislative history emphasizes Congress's intent to encourage States to assume primacy for public water systems and to foster a close working partnership between EPA and each State in operating the public drinking water program (see, *e.g.*, H.R. Rep. No. 1185, 93d Cong., 2d Sess. 21 (1974), noting importance of federal-State cooperation). EPA's discretion on the initiation of withdrawals is consistent with the scheme in that it allows the Agency to take into account, among other things, the significance of the particular violation of primacy requirements and the amount of time needed for the State to resolve any violation and again meet all primacy requirements.

The discretionary nature of this provision allows EPA to work with a State that is acting in good faith to rectify the deficiencies in its program without having the Agency spend needless time and resources on withdrawal proceedings. It would be inefficient to initiate program withdrawal proceedings if it appears that a State will soon resolve the problems with its program. In this sense, the discretionary nature of EPA's authority on withdrawals, as clarified in the revision to § 142.17(a)(2), is fully consistent with the regulatory provision added in December, 1989 that allows EPA to grant States extensions of up to two years of the deadline for adopting the requirements of new or revised federal drinking water regulations (see § 142.12(b) (2) and (3)). It also might be inappropriate to initiate program withdrawal proceedings if it appears that the State program deficiencies are of a minor or technical nature.

The revised language of § 142.17(a)(2) also contains two further changes to the previous regulation. First, the term "determines" has been substituted for "indicates." Specifically, the previous regulation stated that the Administrator shall notify the State when information "indicates" that the State no longer meets primacy requirements. Under the new regulation, the Administrator may initiate program withdrawal proceedings when the Administrator "determines" that the State no longer meets primacy requirements. EPA substituted this term to clarify and emphasize that a finding that a State no longer meets the requirements for primacy is a decision that rests within the discretion of the Administrator.

A second change to § 142.17(a)(2) made in December, 1989 was the addition of language providing that the Administrator may initiate program withdrawal proceedings when he determines that a State no longer meets primacy requirements, "and the State has failed to request or has been denied an extension under § 142.12(b)(2) of the deadlines for meeting those requirements, or has failed to take other corrective actions required by the Administrator * * *" As to the latter clause concerning corrective actions, the Agency does not intend this language to mean that the Administrator would initiate withdrawal proceedings only where he has first ordered corrective actions and the State has failed to comply. Rather, the Administrator may initiate withdrawal proceedings if the Administrator has ordered corrective actions and the State has failed to comply.

Notwithstanding the discretion afforded to EPA on withdrawal decisions, the Agency intends to take vigorous action to ensure that States maintain the requirements for primacy by initiating program withdrawal proceedings where appropriate, particularly where a State is not acting in good faith to revise its approved primacy program to meet new EPA requirements.

The Agency's reasons for adopting the changes to § 142.17(a)(2) made in December, 1989 are further explained in its brief in the *NWF* v. *Reilly* litigation, which is included in the public record for today's proposed rulemaking. Also included in the record are the briefs filed by NWF, for review by persons who wish to comment on the issues NWF has raised over the revisions to § 142.17(a)(2).

C. Request for Comments

The Agency invites all interested persons to submit comments within 30 days on all aspects of this proposal to retain the current language of § 142.17(a)(2). After carefully considering all public comments, EPA will decide whether to retain or further change the language of this provision. If EPA decides to change the language, the Agency may also make conforming changes to other parts of § 142.17 at the same time.

It should be noted that, during the period before finalization of today's proposal, § 142.17(a)(2) as currently promulgated will remain in effect.

List of Subjects in 40 CFR Part 142

Administrative practices and procedures, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply, Indians.

Dated: November 21, 1990.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, title 40, chapter I, part 142 of the Code of Federal Regulations is proposed to be amended as follows:

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

1. Section 142.17 is amended by revising paragraph (a)(2) to read as follows:

§ 142.17 Review of State programs and procedures for withdrawal of approved primacy programs.

(a) * * *

(2) When, on the basis of the Administrator's review or other available information, the Administrator determines that a State no longer meets the requirements set forth in § 142.10, and the State has failed to request or has been denied an extension under § 142.12(b)(2) of the deadlines for meeting those requirements, or has failed to take corrective actions required by the Administrator, the Administrator may initiate proceedings to withdraw primacy approval. The Administrator shall notify the State in writing of EPA's intention to initiate withdrawal proceedings and shall summarize in the notice the information available that indicates that the State no longer meets such requirements.

* * * * *

[FR Doc. 90-27920 Filed 11-27-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 90-29]

Amendment to Rules of Practice and Procedure; Interest in Reparation Proceedings

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The proposed rule in this proceeding, published October 29, 1990 (55 FR 43386), would amend Rule 253 of the Commission's Rules of Practice and Procedure, 46 CFR 502.253, *Interest in reparation proceedings.* The Rule currently limits payment of interest to proceedings involving misrating of cargo and arising under section 10(b) of the Shipping Act of 1984 and section 2 of the Intercoastal Shipping Act, 1933. The proposed amendment would make Rule 253 applicable to the computation of interest on awards of reparation granted under the Shipping Act of 1984 and the Shipping Act, 1916 on the basis of the average rate on six-month U.S. Treasury bills. Under the Intercoastal Shipping Act, 1933, interest would be computed on the average of the prime rate charged by major banks as published by the Board of Governors of the Federal Reserve System. Comments on the Notice of Proposed Rulemaking are now due on November 28, 1990. The International Association of Non-Vessel Operating Common Carriers has requested that time for filing comments be extended, citing the difficulty of consulting with a large number of parties, especially over the Thanksgiving holiday. This notice extends the time for filing comments to December 21, 1990.

DATES: Comments due December 21, 1990.

ADDRESSES: Send comments (original and fifteen copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573–0001 (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573–0001 (202) 523–5740.

Joseph C. Polking,

Secretary.

[FR Doc. 90–27923 Filed 11–27–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–567, RM–7468]

Radio Broadcasting Services; Marquette, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Iron Mountain-Kingsford Broadcasting Company, proposing the allotment of Channel 231A to Marquette, Michigan, as that community's third FM service. Canadian concurrence will be requested for this allotment at coordinates 46–33–00 and 87–23–36.

DATES: Comments must be filed on or before January 14, 1991 and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Thomas G. Shack, Jr., 1901 L Street, NW., suite 200, Washington, DC 20036, (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–567, adopted November 5, 1990, and released November 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–27860 Filed 11–27–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–566, RM–7421]

Radio Broadcasting Services; Petal and Newton, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed jointly by Thomas William Hickman III (("Hickman") and Newton Broadcasting Company, Inc. ("NBCI"). Hickman proposes the substitution of Channel 292C3 for 292A at Petal, Mississippi, and modification of the license for Station WMFM (FM) to specify operation on Channel 292C3. NBCI requests the substitution of Channel 250A for Channel 292A at Newton, Mississippi, and modification of the license for Station WMYQ(FM) to specify operation on Channel 250A. The coordinates for Channel 292C3 are 31–32–00 and 89–10–44. The coordinates for Channel 250A are 32–19–46 and 89–10–08.

DATES: Comments must be filed on or before January 14, 1991, and reply comments on or before January 29, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Thomas William Hickman, III, 2571 Old Richton Road, Petal, Mississippi 39465
Paul Reynolds, 415 North College Street, Greenville, Alabama 36037, (Consultant to the petitioners
Newton Broadcasting Co., Inc., Station WMYQ(FM), Highway 80 West, Quitman, Mississippi 39355.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–566, adopted November 5, 1990, and released November 21, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-27861 Filed 11-27-90; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 55, No. 229
Wednesday, November 28, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Public Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting conducted by the Alabama Advisory Committee to the Commission will convene at 9 a.m. on December 12 and recess at 5 p.m.; reconvene at 7 p.m. and recess at 9 p.m.; reconvene at 9 a.m. on December 13 and recess at 5 p.m.; reconvene at 7 p.m. and recess at 9 p.m.; reconvene at 9 a.m. on December 14, and recess at 5 p.m.; reconvene at 9 a.m. on December 15 and adjourn at 5 p.m., at the Goodwin Theater, Wallace Community College, 3000 Range Line, Selma, Alabama 36701. The purpose of the meeting is to receive information for a project on race relations in Selma.

Persons desiring additional information, or planning a presentation to the Committee, should Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253, (TDD 816—426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 23, 1990.

Wilfredo J. Gonzalez,
Staff Director.

[FR Doc. 90–27942 Filed 11–27–90; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Certificate of Origin.

Form Number: SF 370–1; OMB–0648–0040.

Type of Request: Request for revision of a currently approved collection.

Burden: 32 respondents; 1203 reporting hours; average hours per response—.33 hours.

Needs and Uses: The information collected is supplied by foreign fishermen, exporters, or brokers to meet the requirements of the Marine Mammal Protection Act, section 101(a)(2). The collection must accompany any yellowfin tuna entering the United States to determine the origin of the tuna.

Affected Public: Individuals, business or other for-profit, Federal agencies or employees, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ronald Minsk, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 23, 1990.

Edward Michals,
Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–27880 Filed 11–27–90; 8:45 am]
BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Quality Assurance Survey: Matchmaker Trade Delegations.

Form Numbers: Agency—ITA–4106P, OMB—.

Type of Request: New collection.

Burden: 240 respondents; 40 reporting hours.

Average Hours per Response: 10 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service (US&FCS) stages Matchmaker trade delegations. The average delegation has 20 delegates. An evaluation is submitted by participants at the close of the event, but much of the data is estimates. A one-year follow-up would allow delegates sufficient time to evaluate representation candidates and to establish distribution systems for most territories. The information collected by US&FCS will be used for program evaluation and strategic planning. It will enable the staff to better direct the limited resources available and to administer the Matchmaker program more effectively and efficiently, determining if the targeted industry groups are being reached.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Donald Arbuckle 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 21, 1990.

Edward Michals,
Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–27881 Filed 11–27–90; 8:45 am]
BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Quality Assurance Survey: Catalog/Video-Catalog Exhibition.

Form Numbers: Agency—ITA–4107P, OMB—.

Type of Request: New collection.

Burden: 1,000 respondents; 167 reporting hours.

Average Hours per Response: 10 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service (US&FCS) develops and operates catalog and video-catalog exhibition projects. The average Catalog Exhibition includes 150 U.S. company participants each of which sends material for display and promotion to 10–20 overseas sites. A Video-Catalog Exhibition normally includes from 15–30 company participants whose video presentation is combined into an overall tape in various language versions and also includes participant company full product catalogs for display and promotion in from 10–60 overseas sites. Each hosting overseas post, at the conclusion of the promotional event, conveys to participants a list of visitors and any trade interest leads expressed by those visitors respecting individual U.S. firm presentations or product catalogs. This survey will allow participants to comment on the effectiveness with which the program serves their overseas marketing objectives. The information will be used by US&FCS for program evaluation and strategic planning. It will enable the staff to better direct the limited resources available and to administer these exhibition programs more effectively and efficiently, determining if the targeted industry groups are being reached.

Affected Public: Businesses or other for-profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 2030.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 21, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–27882 Filed 11–27–90; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Quality Assurance Survey: Information Products and Services

Form Numbers: Agency—ITA–4108P, OMB—.

Type of Request: New collection.

Burden: 1,340 respondents; 223 reporting hours.

Average Hours per Response: 10 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service (US&FCS) provides various information products and services, such as World Traders Data Reports, Agent Distributor Service Reports, and Comparison Shopping Service Reports. The information collected will be used by US&FCS for program evaluation and strategic planning. The inforamtion will enable staff to more effectively and efficiently administer these programs, allocate resources, and control program quality. Without accurate evaluation by users, program managers cannot assess if these products and services are meeting program goals.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, room 3208 New Executive Office Building, Washington, DC 20503.

Dated: November 21, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–27883 Filed 11–27–90; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Quality Assurance Survey: Agent Distributor Service (ADS).

Form Numbers: Agency—ITA–4109P, OMB—.

Type of Request: New collection.

Burden: 825 respondents; 138 reporting hours.

Average Hours per Response: 10 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service (US&FCS) provides over 3,000 Agent Distributor Service (ADS) Reports. Without an evaluation, there is no way to determine the degree of actual success. A ten-month follow-up would allow users sufficient time to evaluate representation candidates and to establish distribution systems for most territories. The information collected will be used by US&FCS for program evaluation and strategic planning. It will enable the staff to better direct the limited resources available, to control program quality, and to administer the ADS program more effectively and efficiently.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Donald Arbuckle, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, room 3208 New Executive Office Building, Washington, DC 20503.

Dated: November 21, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90-27884 Filed 11-27-90; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of the Census

[Docket No. 901193-0293]

Annual Wholesale Trade Survey; Determination

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

DETERMINATION: In accordance with title 13, United States Code, sections 182, 224, and 225, I have determined the Census Bureau needs to collect data covering year-end inventories, annual sales, and purchases to provide a sound statistical basis for the formation of policy by various governmental agencies. These data also apply to a variety of public and business needs. This annual survey is a continuation of similar wholesale trade surveys conducted each year since 1978. It provides on a comparable classification basis annual sales and purchases for 1990 and inventories for 1989 and 1990. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Dale W. Gordon or Edward Murphy on (301) 763-3916.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to take surveys necessary to furnish current data on subjects covered by the major censuses authorized by title 13, United States Code. This survey will provide continuing and timely national statistical data on wholesale trade for the period between Economic Censuses. The next Economic Census will be conducted for 1992.

The data collected in this survey will be within the general scope and nature of those inquiries covered in the Economic Censuses.

The Census Bureau will require selected firms operating merchant wholesale establishments in the United States (with sales size determining the probability of selection) to report in the 1990 Annual Wholesale Trade Survey. We will furnish report forms to the firms covered by this survey and will require their submission within 30 days after receipt. The sample will provide, with measurable reliability, statistics on the subjects specified above.

This survey has been submitted to the Office of Management and Budget, in accordance with the Paperwork Reduction Act, Public Law 96-511, as amended, and was cleared under OMB Control No. 0607-0195. We will provide copies of the form upon written request to the Director, Bureau of the Census, Washington, DC 20233.

CONCLUSION: Based upon the foregoing determination, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: November 21, 1990.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 90-27943 Filed 11-27-90; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration

Western Pacific Crustacean Fisheries; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments; correction of closing date for receiving comments; correction of closing date for receiving comments.

SUMMARY: In a notice of availability of Amendment 6 to the Western Pacific Crustacean Fishery Management Plan published November 2, 1990 (55 FR 46236), an incorrect date for receiving comments was inadvertently given. Therefore, NOAA is issuing this document to correct the closing date for receiving comments to read December 20, 1990.

DATES: Comments on Amendment 6 should be submitted on or before December 20, 1990.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, Terminal Island, California, (213) 514-6660; or Alvin Katekrau, NMFS, Pacific Area Office, Honolulu, Hawaii, (808) 955-8831

ADDRESSES: All comments should be sent to E.C. Fullerton, Regional Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 21, 1990.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-27947 Filed 11-27-90; 8:45 a.m.]

BILLING CODE 3510-22-M

Western Pacific Precious Corals; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments; correction of closing date for receiving comments.

SUMMARY: In a notice of availability of Amendment 2 to the Precious Corals Fishery Management Plan published November 2, 1990 (55 FR 46236), an incorrect date for receiving comments was inadvertently given. Therefore, NOAA is issuing this document to correct the closing date for receiving comments to read December 20, 1990.

DATES: Comments on Amendment 2 should be submitted on or before December 20, 1990.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, Terminal Island, California, (213) 514-6660; or Alvin Katekrau, NMFS, Pacific Area Office, Honolulu, Hawaii, (808) 955-8831.

ADDRESSES: All comments should be sent to E.C. Fullerton, Regional Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 21, 1990.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-27948 Filed 11-27-90; 8:45 am]

BILLING CODE 3510-22-M

Atlantic Sea Scallop Fishery: Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings; request for comments.

SUMMARY: The New England Fishery Management Council (Council) will hold public hearings to receive comments on Amendment 4 to the Atlantic Sea Scallop Fishery Management Plan (FMP). The amendment proposes to change the primary scallop-management strategy from a meat-count management system to an effort-control program for the principal resource areas of Georges Bank and the Mid-Atlantic.

DATES: Comments should be submitted on or before December 31, 1990, to the address below. See **"SUPPLEMENTARY INFORMATION"** for dates, times and locations of the hearings.

ADDRESSES: Written comments should be sent to Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906. Clearly mark the outside of the envelope "Sea Scallop Amendment 4."

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, (617) 231–0422.

SUPPLEMENTARY INFORMATION: Amendment 4 has been in development for over 2 years to address a number of problems with meat-count controls and to establish a better means of reaching the FMP's yield-per-recruit and other biological objectives. Although recruitment to both the Georges Bank and Mid-Atlantic stocks has been moderate to excellent in recent years, fishing mortality has been high and the recruiting age classes have been fished down soon after entry into the fishery. Fishing at the current rate is expected eventually to drive the stocks to low levels, since it is unlikely that exceptional recruitment will continue. The Council is considering several alternative proposals for inclusion in Amendment 4.

The Council's preferred alternative would contain a moratorium on entry in the Atlantic sea scallop fishery based on participation in 1988 and 1989, and other possible criteria. Three management areas would be established by the Amendment: Gulf of Maine, Georges Bank and Mid-Atlantic, and an area off North Carolina. Amendment 4 would substitute a comprehensive effort-control program designed to achieve a target quota for the current meat-count system in the Georges Bank/Mid-Atlantic resource area. The effort controls include mandatory layover days, crew-size restrictions, and trip limits. A number of separate alternatives for the Gulf of Maine and North Carolina fishery will be discussed, including annual target quotas and retention of the meat count.

A full complement of management alternatives will be presented at the public hearings along with the Council's preferred alternative. The alternatives include retention of the meat-count with liberal effort controls, closed-area systems, and an individual transferable vessel-allocation system.

The hearings are scheduled as follows:

1. December 4, 1990, 7 p.m.—Carteret Community College-Joslyn Hall, 3505 Arendell Street, Morehead City, NC;
2. December 5, 1990, 7 p.m.—Holiday Inn, 1815 W. Mercury Boulevard, Hampton, VA;
3. December 6, 1990, 7 p.m.—The Grand Hotel, 1045 Beach Drive, Cape May, NJ;
4. December 10, 1990, 10 a.m.—Seaport Inn (formerly Skipper's Inn), 110 Middle Street, Fairhaven, MA;
5. December 11, 1990, 7 p.m.—Holiday Inn, High Street, Route 1A, Ellsworth, ME;
6. December 12, 1990, 7 p.m.—Holiday Inn, 300 Woodbury Avenue (Portsmouth Traffic Circle), Portsmouth, NH.

Dated: November 21, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90–27949 Filed 11–27–90; 8:45 am]

BILLING CODE 3510–22–M

COMMISSION ON AGRICULTURAL WORKERS

Hearing

AGENCY: Commission on Agricultural Workers.

ACTION: Announcement of hearing.

SUMMARY: The Commission on Agricultural Workers will hold the second of three hearings in California on December 6 and 7 in Coachella, California.

The Commission, established by the Immigration Reform and Control Act (IRCA) of 1986 under section 304 is charged with evaluating the Special Agricultural Worker (SAW) provisions of IRCA and with reviewing several specific aspects relating to the demand for and supply of agricultural labor. The Commission will hear testimony on these issues with specific reference to California and Arizona. The following agricultural counties will be the special focus of this hearing: Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial in California and Yuma, La Paz and Maricopa in Arizona. The hearing will be open to the public.

DATES: 1:30 p.m. December 6, 1990 and 1:30 p.m. December 7, 1990.

ADDRESSES: Coachella Water District Auditorium, South Highway 111 Coachella, California.

FOR FURTHER INFORMATION CONTACT: Beth Bickley, Telephone: (202) 673–5348.

Dated: November 23, 1990.

Richard R. Peterson,

Acting Executive Director.

[FR Doc. 90–27926 Filed 11–29–90; 8:45 am]

BILLING CODE 6820–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records Notices

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Addition of a new record system.

SUMMARY: The Office of the Secretary of Defense proposes to add a new record system to its inventory of systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The new record system notice is set forth below.

DATES: The new system will be effective December 28, 1990, unless comments are received which result in a contrary determination.

ADDRESSES: Mr. Dan Cragg, OSD Privacy Act Officer, OSD Records Management and Privacy Act Branch, Room 5C315, The Pentagon, Washington, DC 20301–1155. Telephone (703) 697–2501 or Autovon 227–2501.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

50 FR 22090, 29 May 1985 (DoD Compilation, changes follow)
50 FR 47087, 14 Nov 1985
51 FR 11807, 7 Apr 1986
51 FR 17508, 13 May 1986
51 FR 44668, 11 Dec 1986
52 FR 23334, 19 Jun 1987
53 FR 15868, 4 May 1988
53 FR 27894, 25 Jul 1988
54 FR 33756, 16 Aug 1989
54 FR 43314, 24 Oct 1989
55 FR 17655, 26 Apr 1990
55 FR 20180, 15 May 1990
55 FR 21429, 24 May 1990
55 FR 35449, 30 Aug 1990

The new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on November 21, 1990, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: November 23, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 04.0

SYSTEM NAME:

DoD Bone Marrow Donor Program.

SYSTEM LOCATION:

Primary system: Naval Medical Research Institute, Bethesda, MD 20814–5055

Decentralized segments: See listing of National Marrow Donor Program (NMDP) Collection Centers at the end of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military and civilian personnel and their dependents who have volunteered for and been accepted as potential bone marrow donors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Donor registration and consent forms (or a notation in writing if the consent was obtained telephonically) including consent for testing, and consent to donate a blood sample for HLA (human leukocyte antigen) typing; a consent to donate platelets; a consent to donate bone marrow, if compatible with a patient; a consent to undergo anesthesia if selected to donate marrow; report of physical examination of the donor to include complete medical history and the results of laboratory and other tests (X-ray, electrocardiogram, virology, etc.), and examining physician's report to the donor center; information pertinent to the collection process including post-hospitalization follow-up; donor's written consent to be returned to the registry for further donations. Data items include: Name, Social Security Number, a bar-coded Donor Identification Number (DIN), and HLA type; donor's address, place of work, home and work telephone numbers; names, addresses and telephone numbers of donor's relatives and friends; donor's race/ethnicity; hospital and hospital provider number, city and State; date and time of marrow recovery and transplantation; name of transplant center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and Executive Order 9397.

PURPOSE(S):

To tissue type as many donors as possible for inclusion in the national registry of marrow donors in order to offer patients requiring bone marrow transplants access to as many potential donors as possible for the purpose of obtaining a compatible match.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the National Coordinating Center for the purpose of obtaining a marrow match. Information released will consist of DIN, donor's race, date of birth and sex only.

Name, address, Social Security Account and date of birth to the National Coordinating Center for the purpose of obtaining insurance coverage for the donor; name and address only for the purpose of direct informational mailing (in such a way that the individual is not linked to his or her donor identification number or HLA-type).

To a NMDP-approved civilian medical facility in only those cases where required medical examination and/or actual marrow procurement is performed.

The "Blanket Routine Uses" published at the beginning of OSD's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING/ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper in file folders and on microcomputers.

RETRIEVABILITY:

Hard copy is filed by donor's name. Electronic records may be accessed by search on any information field. Retrievable fields are donor's name, Social Security Number or Donor Identification Number, HLA type, date of birth, sex, and racial/ethnic group.

STORAGE:

Records are accessed by authorized personnel with an official need-to-know who have been trained for handling Privacy Act data. Hard copy records are maintained in locked cabinets in restricted access areas. Computer files are accessed on a password-protected stand-alone microcomputer system with mechanical locks for additional protection.

RETENTION AND DISPOSAL:

Each record will be maintained 25 years beyond the known death of the marrow recipient. Paper records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D366, the Pentagon, Washington, DC 20301–1200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Proessional Affairs and Quality Assurance, Room 3D366, The Pentagon, Washington, DC 20301–1200, where a log of thse requests will be maintained.

The request should contain the full name and individual's Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records must address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D366, The Pentagon, Washington, DC 20301–1200.

The request should contain the individual's full name, Social Security number, and, if applicable, the name of the medical facility from the list appended hereto where examinations, tests, bone marrow collection, and follow-up procedures were conducted.

CONTESTING RECORDS PROCEDURES:

The Office of the Secretary of Defense rules for accessing records and for contesting contents and appealing initial determinations are published in OSD Administrative Instruction No. 81, "OSD Privacy Program"; 32 CFR part 286b; or may be obtained from the system manager.

RECORDS SOURCE CATEGORIES:

Information is obtained from record subjects and attending medical specialists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

National Marrow Donor Program Collection Centers

Alta Bates-Herrick Hospital, Bone Marrow Transplant Program, 3001 Colby Street, Berkeley, CA 94705.

Baylor University Medical Center, Bone Marrow Transplant Program, Sammons Tower, Suite 410, 3500 Gaston Avenue, Dallas, TX 75246.

Children's Hospital Medical Center, Division of Hematology/Oncology, Bone Marrow Donor Program, Elland & Bethesda Avenues, Cincinnati, OH 45229.

City of Hope National Medical Center, Blood Transfusion Services, 1500 E. Durate Road, Duarte, CA 91010.

Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106.

Dana Farber Cancer Institute, Dana 1838, 44 Binney Street, Boston, MA 02115.

Dartmouth/Hitchock Medical Center, Hematology/Oncology Department, Vail Building, Room 56, P.O. Box HB–7923, Hanover, NH 03756.

Emory Clinic, Department of Hematology, 1365 Clifton Road, Northeast, Atlanta, GA 30322.

Georgetown University Hospital, Lombardi Cancer Reserach Center, Bone Marrow Transplantation Program, 3800 Reservoir Road, Northwest, Washington, DC 20007.

Genesee Hospital, 224 Alexander Street, Rochester, NY 14607, HCA Weslery Medical Center, 3243 East Murdock, Suite 300, Wichita, KS 67208.

Hahnemann University Hospital, Broad & Vine Street, 8102 N.C.B., Philadelphia, PA 19102.

The Johns Hopkins Oncology Center, Bone Marrow Transplant Program, 600 North Wolfe Street, Baltimore, MD 21205.

Kaiser Health Center—East, 3414 North Kaiser Center Drive, Portland, OR 97227.

Kansas City Internal Medicine, 6420 Prospect Avenue, T101, Kansas City, MO 64132.

LSU Medical School, Department of Medicine, 1524 Tulane Avenue, New Orleans, LA 70112.

Medical College of Wisconsin, Department of Medicine, Milwaukee County Medical Complex, 8700 West Wisconsin Avenue, Milwaukee, WI 53233.

Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York, NY 10021.

Mercy General Hospital, 3939 "J" Street #300, Sacramento, CA 95819.

Methodist Hospital of Indiana, Inc., Bone Marrow Transplantation Program, 1701 North Senate Boulevard, Indianapolis, IN 46202.

Montefiore Hospital, Hematology/Oncology Unit, 3459 Fifth Avenue, Pittsburgh, PA 15213.

The Ohio State University, Bone Marrow Transplant Program, 10 North Doan Hall, 410 West Tenth Avenue, Columbus, OH 43210–1228.

Ohio State University Hospital, 410 West Tenth Avenue, N1025 Doan Hall, Columbus, OH 43210.

Pacific Presbyterian Hospital, Division of Bone Marrow Transplant, 2351 Clay Street, Suite 414, San Francisco, CA 94115.

Poudre Valley Hospital, Bone Marrow Transplant Program, 1024 LeMay Avenue, Fort Collins, CO 80524.

St. Frances Hospital, Cancer Care Associates, 6835 South Canton, Tulsa, OK 74136.

Scripps Clinic Research Foundation, Weingart Center for Bone Marrow Transplantation, 10666 North Torrey Pines Road, Maildrops MS–312, LaJolla, CA 92037.

Stanford University Medical Center, Bone Marrow Transplant Program, 300 Pasteur Drive, Room H–1353, Stanford, CA 94305–5290.

Tufts New England Medical Center, Bone Marrow Transplant Program, 750 Washington Street, 245, Boston, MA 02111.

UCLA Center for Health Science, Bone Marrow Transplant Program, 10833 LeConte, Room 42–121, Los Angeles, CA 90024.

UCSD Medical Center, Bone Marrow Transplant Program, 225 Dickinson Street, H–811K, San Diego, CA 92103.

United Blood Services, 1515 University Avenue, P.O. Box 25445, Albuquerque, NM 87125.

University of California Medical Center, Hematology Services, P.O. Box 0324, Room A–502, 400 Parnassus, San Francisco, CA 94143.

University of Connecticut Medical Center, Department of Hematology/Oncology, Bone Marrow Transplantation Program, 263 Farmington Avenue, Farmington, CT 06032.

University of Florida, College of Medicine, Bone Marrow Transplant Program, Box J277 JHMHC, Gainesville, FL 32610

University of Iowa Hospitals & Clinics, Division of Hematology/Oncology, Adult Bone Marrow Transplant Program, Iowa City, IA 52242.

University of Minnesota Hospital & Clinic, Bone Marrow Transplant Program, Box 803, UMHC, Harvard Street at East River Road, Minneapolis, MR 55455.

University of Nebraska Medical Center, 42nd & Dewey Avenue, Omaha, NE 68105.

University of Oklahoma, Hematology Section, Health Sciences, P.O. Box 26901, Oklahoma City, OK 73190.

University of Wisconsin Hospitals & Clinics, Hematology H4/540, Bone Marrow Transplant Program, 600 Highland Avenue, Madison, WI 53792.

Virginia Mason Clinic, Medical Oncologist, 925 Seneca, PO Box 900, Seattle, WA 98111.

Wake Forest University Cancer Center, Section of Hematology/Oncology, 300 South Hawthorne Road, Winston Salem, NC 27103.

Wayne State Univ/Harper Grace Hospitals, School of Medicine, Division of Hematology/Oncology, P.O. Box 02188/John R., Detroit, MI 48201.

[FR Doc. 90–27934 Filed 11–27–90; 8:45 am]

BILLING CODE 3810–01–M

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 8, 1991; Tuesday, January 15, 1991; Tuesday, January 22, 1991; and Tuesday, January 29, 1991 at 10 a.m. in room 1E801, The Pentagon, Washington DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public law 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D264, The Pentagon, Washington, DC 20301.

Dated: November 23, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–27929 Filed 11–27–90; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: 13 December 1990.

Time: 1530–1730.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Issue Group on C3I will meet in conjunction with a Information Mission Area (IMA), Corrective Active Plan (CAP), and In Progress Reviews (IPR) to review progress of the implementation of CAP issues that were derived from the ASB study "Software in the Army". Representatives from HQDA Staff elements and MACOMs will be presented by Deputy Directors, Division Chiefs of the Office of the Director of Information Systems

for Command, Control, Communications and Computers (ODISC4). This meeting will be closed to the public in accordance with section 552(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90–28011 Filed 11–27–90; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program Between the Department of the Treasury and the Department of Defense

AGENCY: Defense Logistics Agency, DOD.

ACTION: Computer matching program between the Department of the Treasury and the Department of Defense (DoD).

SUMMARY: The DoD, as the matching agency under the Privacy Act of 1974, as amended, (5 U.S.C. 552a), is hereby giving construction notice in lieu of direct notice to the record subjects of a computer matching program between the Department of the Treasury and DoD that their records are being matched by computer. The record subjects are delinquent debtors of the Bureau of the Public Debt, Department of the Treasury, who are current or former Federal employees or military members receiving Federal salary or benefit payments and indebted and delinquent in their payment of debts owed to the United States Government under certain programs administered by the Bureau of the Public Debt so as to permit the Bureau of Public Debt to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 28, 1990 and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 400 Army-Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the Department of the Treasury and DoD has concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection from defaulters of obligations held by the Bureau of Public Debt under the Debt Collection Act of 1982. The match will yield the identity and location of the debtors within the Federal government so that the Bureau can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between the Department of the Treasury and DoD is available to the public upon request. Requests should be submitted to the address caption above or the Debt Collection Officer, Bureau of Public Debt, Department of the Treasury, Washington, DC 20239–0001

Set forth below is a public notice of the establishment of the computer matching program required by paragraph (e)(12) of the Privacy Act.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on November 15, 1990, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985). This matching program is subject to review by OMB and Congress and shall not become effective until that review period of 30 days has elapsed.

Dated: November 23, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Computer Matching Program Between the Bureau of Public Debt, Department of the Treasury, and the Department of Defense for Debt Collection

A. Participating Agencies

Participants in this computer matching program are the Bureau of Public Debt, Department of the Treasury and the Defense Manpower Data Center (DMDC), Department of Defense (DoD). The Bureau of Public Debt is the source agency, i.e., the agency disclosing the records for the purpose of the match. DMDC is the specific recipient or matching agency, i.e., the agency that actually performs the computer matching.

B. Purpose of the Match

The purpose of the match is to identify and locate the Bureau's delinquent debtors who are current or former Federal employees or military members receiving any Federal salary or benefit payments and indebted and delinquent in their repayment of debts owed to the United States Government under certain programs administered by the Bureau of Public Debt so as to permit the Bureau to pursue and collect the debt by voluntary repayments or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

C. Authority for Conducting the Match

The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716—3718 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office—Department of Justice); 5 CFR 550.1101—550.1108 Collection by Offset from Indebted Government Employees (OPM); 31 CFR part 5, subpart B (Treasury).

D. Records To Be Matched

The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be

disclosed for the purpose of this computer match are as follows:

1. The Bureau of Public Debt will use the record systems identified as Treasury/BPD.002, entitled "United States Savings Type Securities," last published in the **Federal Register** March 1, 1988, at 53 FR 6252. Not reflected in that publication were changes published January 22, 1988, at 53 FR 1885 and July 13, 1989, at 54 FR 29632; and Treasury/BPD.003, entitled "United States Securities (Other than Savings Type Securities) last published in the **Federal Register** March 1, 1988, at 53 FR 6252. Not reflected in that publication were changes published January 22, 1988, at 53 FR 1885 and July 13, 1989, at 54 FR 29632; and Treasury/DO.002, entitled "Treasury Payroll Information System," last published in the **Federal Register** March 1, 1988, at 53 FR 6255.

2. DMDC will use the record system identified at S322.11 DLA–LZ, entitled "Federal Creditor Agency Debt Collection Data Base," last published in the **Federal Register** at 52 FR 37495 on October 7, 1987.

The categories of records in the Treasury record systems are delinquent debtors. The categories of records in the DoD system consists of active and retired military members, including the Reserve and Guard, and the OPM government-wide Federal active and retired civilian records. Both record systems contain an appropriate routine use disclosure provision required by the Privacy Act permitting the disclosure of the affected personal information between the Department of the Treasury and DoD. The routine uses are compatible with the purpose for collecting the information and establishing and maintaining the record systems.

E. Description of Computer Matching Program

A magnetic computer tape provided by the Bureau will contain data elements of the debtor's name, SSN, internal account number and total amount owed on approximately 3,400 delinquent debtors. The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and the Guard, and the OPM government-wide Federal civilian records of current and retired Federal employees. DMDC will match the SSN on the Bureau's tape by computer against the DMDC database. Matching records, hits based on SSNs, will produce data elements of the individual's name, SSN, service or agency, and current work or home address.

F. Individual Notice and Opportunity To Contest

Due process procedures will be provided by the Bureau to those individuals matched (hits) consisting of the Bureau's verification of debt; 30-day written notice to the debtor explaining the debtor's rights; provision for debtor to seek the Bureau's review of the debt (or in the case of the salary offset provision, opportunity for a hearing before an individual who is not under the supervision or control of the agency); and opportunity for the individual to enter into a written agreement satisfactory to the Bureau for repayment. Only when all of the steps have been taken will the Bureau disclose pursuant to a routine use to effect an administrative or salary offset. Unless the individual notifies the Bureau otherwise within 30 days from the date of the notice, the Bureau will conclude that the data provided to the individual is correct and will take the next necessary action to recoup the debt. Failure to respond to the notice will be construed as acquiescence on the part of the debtor as to the correctness of the notice and justification for taking the next step to collect the debt under the law.

G. Inclusive Dates of the Matching Program

This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated on an annual basis, unless OMB or the Treasury Department request a match twice a year. Under no circumstances shall the matching program be implemented before this 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between the Department of the Treasury and DoD, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

H. Address for Receipt of Public Comments or Inquiries

Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

[FR Doc. 90–27930 Filed 11–27–90; 8:45 am]
BILLING CODE 3810–01–M

Privacy Act of 1974; Internal Computer Matching Program Between the Washington Headquarters Services and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice of an internal Department of Defense computer matching program between the Washington Headquarters Services (a field activity of the Office of the Secretary of Defense) and the Defense Manpower Data Center (a field activity of the Defense Logistics Agency).

SUMMARY: The Defense Manpower Data Center (DMDC), as the matching agency under the Privacy Act of 1974, as amended, (5 U.S.C. 552a), is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between the Washington Headquarters Services (WHS) and the DMDC that their records are being matched by computer. The record subjects are delinquent debtors who are current or former Federal employees or military members receiving Federal salary or benefit payments and indebted and delinquent in their repayment of debts owed to the United States Government under certain programs administered by Defense agencies so as to permit WHS to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 28, 1990 and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the WHS and DMDC has concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to disclose personal data between the agencies for debt collection from defaulters of obligations held by various Defense agencies under the Debt Collection Act of 1982. The match will yield the identity and location of the debtors within the Federal government so that WHS can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned.

It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between WHS and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Systems Accountant, WHS Directorate for Budget and Finance, Room 3B287, The Pentagon, Washington, DC 20301–1155.

Set forth below is a public notice of the establishment of a computer matching program required by subsection (e)(12) of the Privacy Act and paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on November 15, 1990, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: November 23, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Internal Computer Matching Program Between Washington Headquarters Services and the Defense Manpower Data Center of the Department of Defense

A. Participating Agencies

Participants in this internal Defense computer matching program are the WHS Directorate for Budget and Finance of the Department of Defense and the Defense Manpower Data Center of the Department of Defense. The WHS is the source agency, i.e., the agency disclosing the records for the purpose of the match. The DMDC is the specific recipient agency or matching agency, i.e., the agency that actually performs the computer matching.

B. Purpose of the Match

The purpose of the match is to identify and locate DoD delinquent debtors who are current or former Federal employees or military members receiving any Federal salary or benefit payments that are indebted and delinquent in their repayment of debts to the United States Government under certain programs administered by the various Defense agencies so as to permit WHS to pursue and collect the debt by voluntary repayments or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

C. Authority for Conducting the Match:

The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. chapter 37, subchapter I (General) and subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716–3718 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (salary offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office—Department Justice); 5 CFR 550.1101–550.1108 Collection by Offset from Indebted Government Employees (OPM); 32 CFR part 90 Collection of Indebtedness Due the United States (DoD).

D. Records To Be Matched

The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. WHS will use the record system identified as DWHS B46.0, entitled "DoD Creditor Agency Accounts Receivable System", last published in the **Federal Register** at 55 FR 35448, August 30, 1990.

2. DMDC will use the record systems identified as S322.10 DMDC, entitled "Defense Manpower Data Center Data Base", last published in the **Federal Register** at 55 FR 42755, October 23, 1990, and S322.11 DLA-LZ, entitled "Federal Creditor Agency Debt Collection Data Base", last published in the **Federal Register** at 52 FR 37495, October 7, 1987.

The category of records in the WHS system is delinquent debtors. The categories of records in the DMDC system consists of active and retired military members, including the Reserve and Guard, OPM government-wide Federal active and retired civilian records, postal service employees, non-appropriated fund employees and Social Security death records.

This computer match is internal within the DoD. The DoD is considered a single agency for routine use disclosure purposes under the Privacy Act. All routine uses published in DoD record system notices are for disclosure of records outside the DoD for a use that is compatible with the purpose for which the information was collected and maintained by the DoD. The exchange of records for this match between WHS and DMDC is permitted under the exception of subsection (b)(1) of the Privacy Act, i.e., to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties. Therefore, there is no requirement that either record system notice have a routine use for the match. nevertheless, the exchange of the records is compatible with the purposes for which the information was collected and maintained in both systems.

E. Description of the Computer Matching Program

WHS will supply DMDC with delinquent debt records in floppy disk format. Upon receipt of the floppy disk file of debtor accounts, DMDC as the recipient matching agency, will perform a computer match using name and all nine digits of the social security number of the WHS file against a DMDC computer data base. DMDC will match debt records consisting of SSN, name, and debt amount with records of DoD active duty, retired, reserve, civilian

employees and members, civil service retirees and employees, postal service employees, non-appropriated fund employees, civil service, and Social Security death records.

The WHS DoD Creditor Agency Accounts Receivable System contains approximately 1,000 records of former agency personnel who are indebted for various reasons. The data base contains name, SSN, address, debt amount and reason, and a history of debt collection activity for each individual. This information is in turn made available for transmission to DMDC. The DMDC computer data base consists of ten million records of Federal employees and military members. Information provided to WHS consists of social security number, name, date of birth, employing agency, pay grade, salary, sex, and home or work addresses as available.

F. Individual Notice and Opportunity To Contest

Due process procedures will be provided by the affected DoD creditor agency to those individuals matched (hits) consisting of the creditor agency's verification of debt; 35-day written notice to the debtor explaining the debtor's rights; provision for the debtor to examine and copy the agency's documentation of the debt; provision for debtor to seek the agency's review of the debt (or in the case of the salary offset provision, opportunity for a hearing before an individual who is not under the supervision or control of the agency); and opportunity for the individual to enter into a written agreement satisfactory to the creditor agency for repayment. Only when all of the steps have been taken will the creditor agency disclose pursuant to a routine use to effect an administrative or salary offset. Unless the individual notifies the creditor agency otherwise within 35 days from the date of the notice, the agency will conclude that the data provided to the individual is correct and will take the next necessary action to recoup the debt. Failure to respond to the notice will be construed as acquiescence on the part of the debtor as to the correctness of the notice and justification for taking the next step to collect the debt under the law.

G. Inclusive Dates of the Matching Program

This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then the computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated on a semiannual basis, unless OMB or the Treasury Department requests matching more often. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between WHS and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

H. Address for Receipt of Public Comments or Inquires

Director, Defense Privacy Office, 400 Army Navy Drive, Room 205, Arlington, VA 22202–2884. Telephone (703) 614–3027.

[FR Doc. 90–27931 Filed 11–27–90; 8:45 am]
BILLING CODE 3810–01–M

Department of the Navy

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Amend record system.

SUMMARY: The U.S. Marine Corps proposes to amend one record system in its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. § 552a).

DATES: The proposed action will be effective without further notice December 28, 1990, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Mrs. B.L. Thompson, Head, FOIA/PA Section, MI–3, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001. Telephone (703) 614–4008 or Autovon 224–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps record system notices for records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) were published in the **Federal Register** as follows:

50 FR 22674 May 29, 1985 (DoD Compilation, changes follow)
51 FR 35548 Oct 6, 1986
51 FR 45932 Dec 23, 1986
52 FR 22670 Jun 15, 1987
53 FR 49588 Dec 8, 1988
54 FR 14377 Apr 11, 1989
55 FR 32948 Aug 13, 1990

The specific changes to the record system being amended are set forth below, followed by the system notice, as amended, published in its entirety. The proposed amendments are not within the purview of the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a(r) which requires the submission of an altered system report.

Dated: November 23, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

MIN00001

SYSTEM NAME:

Personnel Security Eligibility and Access Information System (50 FR 22694, May 29, 1985)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete the entry and substitute with "Primary system—Headquarters, U.S. Marine Corps, Washington, DC 20380–0001 and Marine Corps Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA 22134–5020.

Secondary system—Local activity or detachment to which individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete the entry and substitute with "Members of the Marine Corps, Marine Corps Reserve, former members, applicants for enlistment or commissioning, members serving in the Marine Corps Security Guard Program, Marine Corps civilian employees, and those whose status or position effects the security, order or discipline of the Marine Corps."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete the entry and substitute with "Files contain reports of personnel security investigations, criminal investigations, counterintelligence investigations, checklists, correspondence, records and information pertinent to an individual's acceptance and retention, personnel security clearance and access, and continuing assignment to personnel reliability programs, Marine Security Guard program, and other high risk or

compartmented information programs requiring personnel quality control."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete the entry and substitute with "5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013; and Executive Order 9397."

PURPOSE(S):

Add the following paragraphs to the entry "To provide a record of information collected on individuals regarding their continuing performance and reliability while serving in the Marine Corps Security Guard program.

To provide records to facilitate decisions regarding the reassignment and/or removal of Marine Security Guards from the Marine Security Guard program."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete the first, second, and fourth paragraphs.

At end of entry add "The Marine Corps' 'Blanket Routine Uses' that appear at the beginning of the Marine Corps compilation of system notices also apply to this record system."

* * * * *

RETENTION AND DISPOSAL:

Delete the entry, and substitute with "Maintained at activity where assigned until separation or removal from sensitive position. Three years thereafter, records are transferred to Federal Records Center for permanent retention."

SYSTEM MANAGER(S) AND ADDRESS:

Delete the entry and substitute with "Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001.

Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020.

Decentralized system managed by local activities and detachments. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of reecord system notices."

NOTIFICATION PROCEDURE:

Delete the entry and substitute with "Individuals seeking to determine whether information about themselves is contained in this record systems should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

The letter should contain full name, Social Security Number, status, address and notarized signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, Arlington Annex (Federal Office Building #2), Arlington, VA, or the Marine Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA for assistance or visit any detachment or activity for access to locally maintained records. Prior written notification of personal visits are required to ensure that all parts of the records will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card, driver's license or similar picture-bearing identification."

RECORD ACCESS PROCEDURES:

Delete the entry and substitute "Individuals seeking access to records about themselves should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

Written requests should contain full name, Social Security Number, status, address and notarized signature of the requester."

CONTESTING RECORD PROCEDURES:

Delete the entry and substitute with "The Department of the Navy rules for contesting contents and appealing initial agency determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager."

RECORD SOURCE CATEGORIES:

Delete the entry and substitute with "Officials and employees of the Marine Corps, Departments of the Navy and Defense and other departments and agencies of the Executive Branch of government; medical reports; correspondence from financial and other commercial enterprises; correspondence from private citizens; investigations to determine suitability for security clearances and sensitive assignments; correspondence, investigations and reports relating to disciplinary proceedings; official correspondence and other reports concerning the individual."

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete the entire entry and substitute with "Parts of this system may be exempt under 5 U.S.C. 552a(k) (2), (3), and (5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager."

MIN00001

SYSTEM NAME:

Personnel Security Eligibility and Access Information System

SYSTEM LOCATION:

Primary system—Headquarters, U.S. Marine Corps, Washington, DC 20380–0001 and the Marine Corps Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA 22134–5020.

Secondary system—local activity or detachment to which individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Marine Corps, Marine Corps Reserve, former members, applicants for enlistment or commissioning, members serving in the Marine Corps Security Guard program, Marine Corps civilian employees, and those whose status or position effects the security, order or discipline of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, counterintelligence investigations, checklists, correspondence, records and information pertinent to an individual's acceptance and retention, personnel security clearance and access, and continuing assignment to personnel reliability programs, Marine Security Guard program, and other high risk or compartmented information programs requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 10 U.S.C. 5013; and Executive Order 9397.

PURPOSE(S):

To provide a record of individuals eligible for assignment to personnel reliability programs and other high risk or compartmental information programs requiring personnel quality control.

To provide a record of information collected on individuals regarding their continuing performance and reliability while serving in the Marine Security Guard program.

To provide records to facilitate decisions regarding the reassignment and/or removal of Marine Security Guards from the Marine Security Guard program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their official duties.

The Marine Corps "Blanket Routine Uses" that appear at the beginning of the Marine Corps' compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information is contained in automated files or on computer tapes.

RETRIEVABILITY:

Retrieved alphabetically by last name of individual or by Social Security Number.

SAFEGUARDS:

Stored in locked safes or cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Maintained at activity where assigned until separation or removal from sensitive position. Three years thereafter, records are transferred to Federal Records Center for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001.

Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020.

Decentralized system managed by local activities and detachments. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record systems should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

The letter should contain full name, Social Security Number, status, address and notarized signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, Arlington Annex (Federal Office Building #2), Arlington, VA, or the Marine Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA for assistance or visit any detachment or activity for access to locally maintained records. Prior written notification of personal visits are required to ensure that all parts of the records will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card, driver's license or similar picture-bearing identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

Written requests should contain full name, Social Security Number, status, address and notarized signature of the requester.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for contesting contents and appealing initial agency determinations by the individual concerned are published in Secretary of the Navy Instruction 5221.5; Marine Corps Order P5211.2; 32 CFR Part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Marine Corps, Departments of the Navy and Defense and other departments and agencies of the Executive Branch of government; medical reports; correspondence from financial and other commercial enterprises; correspondence from private citizens; investigations to determine suitability for security clearances and sensitive assignments; correspondence, investigations and reports relating to disciplinary proceedings; official correspondence and other reports concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k) (2), (3), and (5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

[FR Doc. 90–27933 Filed 11–27–90; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board Task Force on the Department of Energy National Laboratories; Closed Meeting

Pursuant to the provisions of the Federal Avisory Committee Act (Pub. L. 92–463; 86 Stat. 770, as amended), notice is hereby given of the following advisory committee task force meeting:

Name: Secretary of Energy Advisory Board Task Force on the Department of Energy National Laboratories.

Date and time: Wednesday, December 12, 1990, 10 a.m.–5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: Dr. Robert M. Simon, Designated Federal Officer, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–7092.

Purpose: The Task Force will provide advice to the Secretary of Energy on the research, development, energy, and national defense responsibilities, activities, and operations of the Department of Energy's (DOE) National Laboratories and the Department's management of those laboratories.

Tentative Agenda

Wednesday, December 12, 1990

10 a.m. Closed Meeting to discuss future missions and roles of the defense-oriented DOE National Laboratories.

Closed Meeting: Pursuant to section 10(d) of the Federal Advisory Committee Act Pub. L. 92–463, as amended (5 U.S.C. app. II(1982)), this advisory committee meeting concerns

matters listed in 5 U.S.C. 552b(c)(1), and (3) and, accordingly, the meeting will be closed to the public.

Issued: Washington, DC, on November 23, 1990.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 90-27950 Filed 11-27-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP89-637-001, et. al.]

ANR Pipeline Co. et al., Intent to Prepare an Environmental Assessment for the Proposed ANR Phase II Project and Request for Comments on Environmental Issues

November 23, 1990.

In the matter of Great Lakes Gas Transmission Company Docket No CP90-1726-000; Texas Gas Transmission Corporation, Docket Nos. CP90-688-000; CP90-688-001; CNG Transmission Corporation, Docket Nos. CP89-638-000, CP89-638-001, CP89-638-002; Transcontinental Gas Pipe Line Docket Nos. CP90-687-000, CP90-687-001.

Summary

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) on the facilities proposed in the above-referenced dockets for the *ANR Phase II project.*

Within the ANR Phase II project, ANR Pipeline Company (ANR), Great Lakes Gas Transmission Company (Great Lakes), Texas Gas Transmission (Texas Gas), CNG Transmission Corporation (CNG), and Transcontinental Gas Pipe Line Corporation (Transco) are seeking certificates of public convenience and necessity under section 7(c) of the Natural gas Act (NGA) to construct and operate a total of 315.17 miles of pipeline, 138,130 horsepower of compression at 15 compressor stations, and 7 new or modified meter stations, and appurtenant facilities in the states of Minnesota, Wisconsin, Louisiana, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, and Virginia.

By this notice the FERC staff is requesting comments on the scope of the analysis that should be conducted for the EA. All comments will be reviewed prior to completion of the EA and significant issues will be addressed. Comments should focus on potential environmental effects, alternatives to the proposal (including alternative routes), and measures to mitigate adverse environmental impact. Written comments must be submitted by December 31, 1990, in accordance with the instructions provided at the end of this notice.

Project Background and Purpose

The ANR Phase II Project is being viewed as a discrete part of the ANR Project. ANR (and other applicants) filed for the overall ANR Project on January 17, 1989, as part of the Commission's Northeast open season proceeding. Because some portions of the overall project were complete and provided service to specific entities, they could proceed independently. The first phase (the ANR Phase I Project), was studied in the Commission staff's *Eagle Point/ NEP Project EA.*

On June 26, 1990, the Commission issued an "Order Issuing Certificates" that approved the ANR Phase I Project. That order was amended in the "Order Granting Rehearing and Issuing Certificate" issued July 17, 1990. An explanation of the procedural history of the ANR Project is contained in the "Background" section of the June 26, 1990 order.

On February 2, 1990, ANR along with several other applicants filed applications to proceed with the ANR Phase II Project. The ANR Phase II Project would be used to transport about 380,558 thousand cubic feet per day (Mcfd) of natural gas, of which 14,200 Mcfd would be Canadian natural gas and 366,358 Mcfd would be domestic natural gas. This natural gas would be transported for use by various local distribution companies, an electric generator, cogeneration facilities and others in the Northeast and Midwest.

ANR and Trunkline Gas Company also plan to sue the Lebanon Extension that was constructed under section 311 of the Natural Gas Policy Act to transport under the Natural Gas Act some of the gas associated with this project. The Lebanon Extension will not be analyzed in this EA.

Proposed Facilities

In order to accomplish the proposed natural gas transportation services, the applicants have proposed the facilities identified below.

Tables 1 and 2 provide a detailed description of the proposed pipelines and aboveground facilities that would be constructed by each applicant and indicate the county and state affected. Figure 1 identifies the geographic location of all facilities.[1]

On July 11, 1990, Great Lakes filed an application under Docket No. CP90-1726-000 that proposes to construct a total of 7.5 miles of pipeline. See figure 2.

On February 2, and October 23, 1990, ANR filed applications under Docket Nos. CP89-637-001 and CP89-637-005, respectively, that propose to construct 29.1 miles of pipeline, 2,200 horsepower of compression at a new compressor station, two meter stations, and appurtenant facilities. See figure 3.

On February 2, and September 4, 1990, Texas Gas filed applications under Docket Nos. CP90-688-000 and CP90-688-001, respectively, that propose to construct a total of 109.81 miles of pipeline, 4,650 horsepower of compression at two existing compressor stations, one meter station, and appurtenant facilities. See figure 4.

On January 17, 1989, February 2, 1990, and August 31, 1990, CNG filed applications under Docket Nos. CP89-638-000, CP89-638-001, and CP89-638-002, respectively, that propose to construct a total of 131.7 miles of pipeline, 94,580 horsepower of compression at six new and three existing compressor stations, one meter station, and appurtenant facilities. See figure 5.

On February 2, and September 6, 1990, Transco filed applications under Docket Nos. CP90-687-000 and CP90-687-001, respectively, that propose to construct a total of 37.06 miles of pipeline, 36,700 horsepower of compression at one new and two existing compressor stations, three meter stations, and appurtenant facilities. See figure 6.

Construction Procedures

The proposed facilities would be constructed and operated in accordance with all applicable regulations. These include: 49 CFR part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; 18 CFR 2.69 "Guidelines to be followed by Natural Gas Pipeline Companies in the Planning Clearing, and Maintenance of Rights-of-Way;" and other applicable Federal, state, and local regulations and permit requirements.

The proposed new pipeline construction would begin with the clearing and grading of construction rights-of-way, between 75 and 100 feet, to prepare a relatively level strip to accommodate construction equipment.

[1] The figures referred to in this notice are not being printed in the **Federal Register** but have been included in the mailing to all those receiving this notice. Copies are also available from the Commission's Public Reference branch at (202) 208-1371.

Pipeline loops within or adjacent to existing rights-of-way would require less clearing of new right-of-way. Staging areas for some larger wetland, stream, railroad, and road crossings, usually require wider construction rights-of-way. Rotary-wheel ditching machines, backhoes, or rippers would be used to excavate a trench deep enough to provide a minimum depth of cover in soils, normally 30 to 36 inches, required by the U.S. Department of Transportation. Blasting would be required when areas of unrippable rock are encountered.

After trenching, pipe segments would be strung along the right-of-way, bent to conform to the contours of the trench, welded together, coated, and lowered into the trench. The trench would be backfilled using previously excavated materials if these are suitable for contract with the pipeline. If not, material would be brought in to pad the trench. Topsoil that was conserved would be replaced at approximately its original position. The right-of-way would be restored to its original contours as much as practicable, and reseeded, limed, fertilized, and mulched in accordance with erosion and sedimentation control plans.

Special construction methods would be used to cross wetlands, rivers, and streams to provide stable work areas for the construction, equipment, to reduce sedimentation, to restore the vegetation, and to prevent changes in natural drainage patterns. Small streams would be trenched using a backhoe, clam dredge, dragline, or similar equipment. For major river crossings, such as the Allegheny River in Armstrong County, Pennsylvania, floating excavation equipment may be required to dig the trench. Blasting may be necessary for streams and rivers with rock bottoms.

Expanded work areas required for major river construction would be located back from the waterline. Construction methods for crossing small wetlands would be similar to those used on dry land.

Construction in large wetland areas would involve using the "push-pull" technique, i.e., after the trench is dug, the pipe joints are welded together in one area, flotation devices are attached to the welded pipe, and the floating pipeline is pushed or pulled into place. When the floats are removed, the pipe settles to the bottom of the trench, the trench is backfilled, and the original wetland contours are restored.

Environmental Issues

Based on preliminary analyses of the applications, the pipeline routes, the compressor station sites, and the other aboveground facility locations in the environmental information provided by the applicants, the staff has identified the following issues which will be addressed in the EA:

Soils and Geology
- —Erosion control and revegetation.
- —Effects on crop production and farmland.
- —Effects of blasting and geologic hazards.
- —Impact on exploitable mineral resources.

Water Resources—
- Effects on ground and surface water supplies.
- —Impact on stream water quality.

Vegetation
- —Impact on wetlands.
- —Short- and long-term effects to vegetation.

Wildlife114—Impact on fisheries.
- —Impact on threatened or endangered species.

Cultural Resources—Effect of the project on properties listed on or eligible for the National Register of Historic Places.

LandUse/Aesthetics—Impact on homes, businesses, and future development.

Air and Noise
- —Impact of additional compression on air quality and noise levels.
- —Air quality and noise levels during construction.

Pipeline Safety
- —Possibility of pipeline rupture.
- —Blasting in populated areas.

Specific Areas of Concern
- —Nicolet National Forest (WI)—ANR
- —Moshannon State Forest (PA)—CNG
- —Susquehannock State Forest (PA)—CNG
- —Sproul State Forest (PA)—CNG
- —Elk State Forest (PA)—CNG
- —Bucktail State Park/Natural Area (PA)—CNG
- —Kettle Creek State Park (PA)—CNG
- —State Game Land No. 34 (PA)—CNG
- —Quehanna Wild Area and Quehanna Trail (PA)—CNG
- —Graffenburg Reservoir (NY)—CNG
- —Pennsylvania Game Commission Wildlife Propagation Area (PA)—CNG
- —State Game Land No. 168 (PA)—Transco
- —Appalachian Trail (PA)—Transco
- —Tiadaghton State Forest (PA)—Transco

Alternative sites, route modifications, and specific mitigating measures will also be considered in the EA. Comments are solicited on any additional topics of environmental concern to residents and others in the project area. After comments from this notice are received and analyzed and the various issues investigated, the staff will prepare an EA for the ANR Phase II Project.

Comment Procedure

A copy of this notice and request for comments are environmental issues has been sent to Federal, state, and local environmental agencies, parties in this proceeding, public interest groups, libraries, newspapers, and other interested individuals.

Comments on the scope of the EA should be filed as soon as possible but not later than December 31, 1990. All written comments must reference Docket No. CP89-637-001, *et al.*, and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of the comments should also be sent to Mr. Kenneth Frye, Project Manager, Federal Energy Regulatory Commission, room 7312M, 825 North Capitol Street, NE., Washington, DC 20426. Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

The EA will be based on the staff's independent anaylsis of the proposal and, together with the comments received, will comprise part of the record to be considered by the Commission in this proceeding.

Organizations and individuals receiving this Federal notice have been selected to ensure public awareness of this project and public involvement in the review process under the National Environmental Policy Act. The EA will be sent automatically to the appropriate Federal and state agencies and the FERC service list for comment. However, to reduce printing and mailing costs and related logistical problems, the EA will only be distributed to those other organizations, local agencies, and individuals who return the attached request form.

The EA may be offered as evidentiary material if an evidentiary hearing is held in this proceeding. In the event that an evidentiary hearing is held, anyone not previously a party to this proceeding and wishing to present evidence on environmental or other matters must first file with the Commission a motion to intervene, pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

Additional information about the proposal, including detailed route maps for specific locations, is available from

Mr. Kenneth Frye, telephone (202) 208–2298.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27901 Filed 11–27–90; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2545–017 Idaho]

Washington Water Power Co.; Availability of Environmental Assessment

November 21, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 53 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application requesting authorization to convey a lease or easement of lands within the Spokane River Project boundary to the City of Post Falls, Idaho, for developing a city park. The proposed park would be located on the Spokane River in Kootenai County, Idaho. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, staff concludes that approval of the amendment of license would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Office at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27902 Filed 11–27–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–28–000]

Entex, a Division of Arkla, Inc. et al. v. United Gas Pipe Line Co., Respondent; Complaint and Offer of Settlement

November 21, 1990.

Take notice that on November 16, 1990, Extex, a division of Arkla, Inc., Louisiana Gas Service Company and New Orleans Public Service Inc. (Complainants) filed a complaint pursuant to section 5(a) of the Natural Gas Act, 15 U.S.C. 717d(a), and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, against United Gas Pipe Line Company (United). Complainants allege that, subsequent to December 31, 1990, the rates to be charged by United will not be just and reasonable under sections 4 and 5 of the Natural Gas Act because those rates will not reasonably reflect the greatly reduced level of costs actually being experienced by United.

Complainants allege that United is currently charging rates established pursuant to a November 1988 Base Settlement in Docket No. RP85–209–000, *et al.* Complainants further allege that the Base Settlement and the Commission's just and reasonable finding with respect to the Settlement rates will expire on December 31, 1990. According to Complainants, United has indicated that it intends to continue to charge the Base Settlement rates through October 1991. Complainants allege that United has eliminated approximately $156 million from its cost of service since the Base Settlement rates took effect in October 1988 and that United is collecting revenues through the settlement rates which greatly exceed its current actual cost of service. Complainants contend that the continued collection of the Base Settlement rates beyond December 31, 1990 would be unfair, unjust and reasonable.

Complainants have further submitted an Offer of Settlement pursuant to Rule 602 (18 CFR 385.602), which Complainants allege will establish just and reasonable rates to be effective on an interim basis for the period January 1, 1991 through the earlier of (1) the effective date of United's next general rate filing under section 4 of the NGA, or (2) the effective date of an order of the Commission issued under section 5 of the NGA following formal hearings on the instant complaint in the event that United does not file rates under section 4 to become effective before such order issues. Complainants request that the Commission approve the Offer of Settlement effective January 1, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before December 21, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room. Answers to this complaint shall be due on or before December 21, 1990.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27903 Filed 11–27–90; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6965–007 Idaho]

Canyon Creek Power Co.; Surrender of Exemption

November 21, 1990

Take notice that Canyon Creek Power Company, exemptee for the Canyon Creek Project No. 6965, to be located on Canyon Creek in Shoshone County, Idaho, has requested surrender of its exemption, stating that the project is not economical at the current price of power. The project would have consisted of an existing 6-foot-long dam and proposed project works including a 1,200-foot-long penstock, a powerhouse containing a 550-kW generating unit, a tailrace, and a transmission line.

The exemptee filed the request on October 25, 1990, and the exemption for Project No. 69765 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on or after next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27904 Filed 11–27–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP–89–248–006]

Mississippi River Transmission Corp.; Report of Refunds

November 21, 1990.

Take notice that Mississippi River Transmission Corporation (MRT) on September 4, 1990, tendered for filing with the Federal Energy Regulatory Commission (Commission) its report of refunds reflecting credit billings made on August 10, 1990, in accordance with Commission Letter Order dated June 27, 1990.

MRT states that a copy of the refund report was mailed to each of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1989). All such protests should be filed on or before November 29, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to the proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27905 Filed 11-27-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-49-000 and CP89-1582-000]

National Fuel Gas Supply Corp.; Informal Settlement Conference

November 21, 1990.

Take notice that an informal settlement conference will be convened in this proceeding on December 12, 1990, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the Gas Inventory Charge proposal in Docket No. CP89-1582-000 and the comparability issues in Docket No. RP89-49-000, as provided in Article XVI of the settlement offer filed on July 19, 1990, by National Fuel Gas Supply Corporation, in Docket Nos. RP86-136-000, *et al.*, and approved by Commission order issued November 1, 1990, 53 FERC ¶ 61,157 (1990).

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(c), is invited to attend Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations. See 18 CFR 385.214.

For additional information, please contact Warren C. Wood at (202) 208-2091 or Sandra J. Delude at (202) 208-2161.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27906 Filed 11-27-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-33-010]

Northern Border Pipeline Co.; Report of Refunds

November 21, 1990.

Take notice that Northern Border Pipeline Company (Northern Border) on October 25, 1990, tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund and Voluntary Retroactive Adjustment Report made in accordance with Northern Border's March 9, 1990 "Revised Stipulation and Agreement in Settlement of Proceedings."

Northern Border states that copies of the refund and voluntary retroactive adjustment report have been sent to all shippers reported on the schedule and have been served on all parties of record in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. Washington, DC 20426, in accordance with rules 211 and 214 of the commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1989). All such protests should be filed on or before November 29, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to the proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27907 Filed 11-27-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-1841-002]

Northern Natural Gas Co.; Application

November 21, 1990.

Take notice that on November 20, 1990, Northern Natural Gas Company (Northern), Division of Enron Corp., whose main office is located at 1400 Smith Street, Houston, Texas 77002, filed in the above referenced docket, pursuant to § 157.7 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.7), its application to amend a previously issued certificate of public convenience and necessity requesting authorizations to allow Northern to make route modifications for certain facilities proposed by Northern and approved by the Commission in Docket No. CP89-1841-000. Northern also requests clarification regarding a provision of an Ordering paragraph of the Commission's June 18, 1990 Order in such docket. Northern states, that because of the nature of the authorizations requested and the importance of the subject facilities to its customer, Madison Gas and Electric Company (MG&E), that it is requesting expedited issuance of this notice a shortened comment period.

Northern states therein that, for portions of the facilities approved by the Commission's June 18, 1990 Order in Docket No. CP89-1841-000, it has encountered very strong landowner concerns regarding the previously approved route. Specifically, on two portions of the proposed 25 mile 16-inch lateral from a point on Northern's existing line near Monticello, Wisconsin to a point of interconnection with the facilities of MG&E in the vicinity of Madison, Wisconsin, Northern has encountered strong landowner resistance to the approved route. As a result of extensive negotiations with landowners over the past several months, Northern is proposing to an alternate route for the two contested portions of the route.

The southern route modification affects approximately 1.1 miles of the original route and involves relocating the proposed pipeline to the east of the original route to locations preferable to the owners of the affected parcels of land. The northern route modifications affect approximately 7.0 miles of the original route and involve relocating the proposed pipeline to the west of the original route so that the line can be laid parallel to and near the existing Chicago, Madison, and Northern Railroad tracks. Northern states that these route modifications are strongly supported by the affected landowners and their representatives, MG&E and the Public Service Commission of Wisconsin.

Northern states that approval of these route modifications will enable Northern to avoid protracted and rancorous condemnation proceedings and other civil actions and will, therefore, enable Northern to complete construction of the Madison Lateral and begin rendering service to MG&E much sooner than if the previously approved route must be followed. In addition, Northern is seeking clarification of the provisions of Ordering Paragraph (I)7 of the June 18, 1990 Order which provides that Northern will not operate construction equipment in agricultural fields prior to May 15 of any year to minimize soil compaction. Northern seeks clarification that this provision applies to the period after the spring thaw and before May 15.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 30, 1990, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Those parties whom have previously filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 90-27908 Filed 11-27-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-95-NG]

CanWest Gas Supply U.S.A., Inc.; Application for Blanket Authorization To Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application for blanket authorization to import and export natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on November 6, 1990, of an application filed by CanWest Gas Supply U.S.A., Inc. (CanWest), for blanket authorization to import and/or export between the United States and Canada up to 200 Bcf of natural gas a year for a two-year term beginning on the date of first import or export. CanWest requests authority to import/export the natural gas at any point on the U.S./Canadian border where existing pipeline facilities are located. No new construction would be involved. CanWest also states it will submit quarterly reports to FE detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., December 28, 1990.

ADDRESSES:

Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC, 20585.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Office of Fuels Program, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9394.

Lot Cooke, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-32, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: CanWest is a corporation organized in the State of Delaware with its principal place of business in Vancouver, British Columbia, Canada, which is owned by CanWest U.S.A., Inc., a holding company incorporated in the State of Delaware, with its principal place of business also in Vancouver, British Columbia. CanWest U.S.A., Inc., is in turn owned by CanWest Gas Supply Inc., a company incorporated under the laws of the Province of British Columbia.

The natural gas imported by CanWest would be produced primarily but not exclusively from the Province of British Columbia. The proposed imported natural gas would be sold on a short-term basis to U.S. pipelines, distribution companies, marketers, and commercial and industrial end-users.

The proposed export authority would enable CanWest to make natural gas available on a short-term or spot-market basis to Canadian purchasers, including, but not limited to, pipelines, local distribution companies, electric utilities and industrial customers. In addition, natural gas may also be exported as part of transactions involving the initial importation of Canadian volumes to the United States and the subsequent exportation of such volumes to Canada for redelivery and ultimate consumption in the United States.

The specific terms of each import and export arrangement would be negotiated on an individual basis at market responsive prices. CanWest would act on its own behalf or for the account of others and would import and/or export natural gas using existing facilities. All parties should be aware that DOE, in order to maximize the flexibility of the requested authorization, may grant an aggregate import/export volume over the two-year term.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, DOE considers the domestic need for the gas to be exported and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that there is no current need for the domestic gas proposed to be exported, that this import/export arrangement will be competitive and therefore is in the public interest. Parties opposing the arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), (42 U.S.C. 4321, *et seq.*), requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments

must meet the requirements that are specified by the regulation in 10 CFR part 590, Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of CanWest's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 20, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–27951 Filed 11–27–90; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. FE C&E 91–04 Certification Notice—72]

Enron Power Enterprise Corp.; Filing Certification of Compliance; Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternative fuel as a primary energy source (section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Enron Power Enterprise Corp. Wellesley, MA ..	11–06–90	Combine cycle	146	Milford, MA.

Amendments to the FUA on May 21, 1987, (Pub. L. 100–42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586–6769.

Issued in Washington, DC on November 20, 1990.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 90–27952 Filed 11–27–90; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. FE C&E 91–05 Certification Notice—73]

Sumas Energy, Inc.; Filing Certification of Compliance; Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311(a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Sumas Energy, Inc., Redmond, WA	11-08-90	Combine cycle	67	Sumas, WA

Amendments to the FUA on May 21, 1987, (Public Law 100–42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586–6769.

Issued in Washington, DC, on November 20, 1990.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 90–27953 Filed 11–27–90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180835; FRL 3838–4]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 19 States as listed below, and 10 crisis exemptions were also initiated by the various States. These exemptions were issued during the months of June, July, and August except for one issued in May. They are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of cyromazine on head lettuce to control serpentine leafminers; August 2, 1990, to June 15, 1991. (Susan Stanton)

2. Arizona Office of State Chemist for the use of avermectin B_1 on head lettuce to control American serpentine leafminer; August 13, 1990, to December 31, 1990. (Libby Pemberton)

3. California Department of Food and Agriculture for the use of avermectin B_1 on head lettuce to control American serpentine leafminer; August 13, 1990, to December 31, 1990. (Libby Pemberton)

4. California Department of Food and Agriculture for the use of fenamiphos on plums and prunes to control nematodes; August 21, 1990, to August 20, 1991. (Libby Pemberton)

5. Florida Department of Agriculture and Consumer Services for the use of triflumizole on Spathiphyllum to control Cylindrocladium stem and petiole rot; July 5, 1990, to June 30, 1991. (Susan Stanton)

6. Florida Department of Agriculture and Consumer Services for the use of fosetyl-aluminum (Aliette) on head and leaf lettuce to control metalaxyl-resistant downy mildew; August 17, 1990, to May 31, 1991. (Susan Stanton)

7. Idaho Department of Agriculture for the use of bifenthrin on hops to control hop aphids; June 1, 1990, to September 15, 1990. (Jim Tompkins)

8. Idaho Department of Agriculture for the use of imazalil on sweet corn seed to control damp-off and dieback diseases; August 17, 1990, to August 14, 1991. (Susan Stanton)

9. Idaho Department of Agriculture for the use of avermectin B_1 on pears to control pear psylla; August 17, 1990, to September 31, 1990. (Libby Pemberton)

10. Indiana Department of Agriculture for the use of fluazifop-p-butyl on mint to control grassy weeds; August 28, 1990, to December 31, 1990. (Jim Tompkins)

11. Kansas Board of Agriculture for the use of bifenthrin on field corn to control mites; August 9, 1990, to September 1, 1990. (Jim Tompkins)

12. Louisiana Department of Agriculture for the use of bromoxynil on rice to control broadleaf weeds; May 31, 1990, to August 1, 1990. (Jim Tompkins)

13. Michigan Department of Agriculture for the use of fosetyl-aluminum (Aliette) on head and leaf lettuce to control downy mildew; July 20, 1990, to November 1, 1990. (Susan Stanton)

14. Michigan Department of Agriculture for the use of chlorothalonil on asparagus to control purple spot disease; July 18, 1990, to November 1, 1990. Michigan had initiated a crisis exemption for this use. (Susan Stanton)

15. Michigan Department of Agriculture for the use of triadimefon (Bayleton) on asparagus to control asparagus rust; July 27, 1990, to November 1, 1990. Michigan had initiated a crisis exemption for this use. (Susan Stanton)

16. Minnesota Department of Agriculture for the use of 2,4-D on cultivated wild rice to control common water plantain; August 17, 1990, to August 31, 1990. (Jim Tompkins)

17. Montana Department of Agriculture for the use of esfenvalerate on wheat and barley to control Russian wheat aphid; August 3, 1990, to November 1, 1990. Montana had initiated a crisis exemption for this use. (Libby Pemberton)

18. Nebraska Department of Agriculture for the use of bifenthrin on field corn to control mites; August 10, 1990, to September 15, 1990. Nebraska had initiated a crisis exemption for this use. (Jim Tompkins)

19. Nevada Department of Agriculture for the use of cypermethrin on onions to control thrips; July 13, 1990, to September 1, 1990. (Robert Forrest)

20. North Dakota Department of Agriculture for the use of propiconazole on oats to control crown rust; July 13, 1990, to July 31, 1990. (Jim Tompkins)

21. North Dakota Department of Agriculture for the use of mancozeb on sunflowers to control sunflower rust; June 27, 1990, to August 31, 1990. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination is ongoing. (Jim Tompkins)

22. Oklahoma Department of Agriculture for the use of DCNA (Botran) on peanuts to control sclerotinia blight; August 3, 1990, to October 31, 1990. (Susan Stanton)

23. Oregon Department of Agriculture for the use of bifenthrin on hops to control hop aphids; June 1, 1990, to September 15, 1990. (Jim Tompkins)

24. Oregon Department of Agriculture for the use of glyphosate on wheat to

control annual volunteer rye; July 5, 1990, to July 15, 1990. (Susan Stanton).

25. South Carolina Department of Fertilizer and Pesticide Control, Clemson University for the use of fenamiphos on kiwi to control nematodes; August 30, 1990, to August 29, 1991. (Libby Pemberton)

26. Texas Department of Agriculture for the use of DCNA (Botran) on peanuts to control sclerotinia blight; August 8, 1990, to October 21, 1990. (Susan Stanton)

27. Texas Department of Agriculture for the use of propiconazole on irrigated peanuts to control southern blight; August 22, 1990, to November 1, 1991. (Jim Tompkins)

28. Washington Department of Agriculture for the use of hexakis on hops to control two-spotted spider mites; July 10, 1990, to September 15, 1990. (Robert Forrest)

29. Washington Department of Agriculture for the use of esfenvalerate on dry harvested cranberries to control adult black vine weevils; July 13, 1990, to September 30, 1990. (Libby Pemberton)

30. Washington Department of Agriculture for the use of bifenthrin on hops to control hop aphids; June 1, 1990, to September 15, 1990. (Jim Tompkins)

31. Wisconsin Department of Agriculture, Trade, and Consumer Protection for the use of propiconazole on fresh market celery to control late blight; July 19, 1990, to August 31, 1990. Wisconsin had initiated a crisis exemption for this use. (Jim Tompkins)

Crisis exemptions were initiated by the:

1. Illinois Department of Agriculture on July 17, 1990, for the use of propiconazole on seed corn to control foliar diseases. This program has ended. (Jim Tompkins)

2. Indiana State Chemist Office on July 17, 1990, for the use of propiconazole on corn grown for seed to control foliar diseases. This program has ended. (Jim Tompkins)

3. Kansas State Plant Board on July 17, 1990, for the use of bifenthrin on field corn to control mites. This program has ended. (Jim Tompkins)

4. Maine Department of Agriculture, Food, and Rural Resources on July 9, 1990, for the use of cryolite on potatoes to control Colorado potato beetles. This program has ended. (Libby Pemberton)

5. Michigan Department of Agriculture on July 25, 1990, for the use of propiconazole on seed corn to control foliar diseases. This program has ended. (Jim Tompkins)

6. Nebraska Department of Agriculture on July 27, 1990, for the use of bifenthrin on field corn to control mites. This program has ended. (Jim Tompkins)

7. New Mexico Department of Agriculture on July 12, 1990, for the use of bifenthrin on field corn to control mites. This program has ended. (Jim Tompkins)

8. Texas Department of Agriculture on July 6, 1990, for the use of bifenthrin on field corn to control mites. This program has ended. (Jim Tompkins)

9. Wisconsin Department of Agriculture, Trade, and Consumer Protection on July 11, 1990, for the use of propiconazole on celery to control late blight. This program has ended. (Jim Tompkins)

10. Wisconsin Department of Agriculture, Trade, and Consumer Protection on July 19, 1990, for the use of propiconazole on organic seed corn to control foliar diseases. This program has ended. (Jim Tompkins)

Authority: 7 U.S.C. 136.

Dated: October 26, 1990.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 90-27686 Filed 11-27-90; 8:45 am]

BILLING CODE 6560-50-F

[PP 7G3561/T601; FRL 3803-9]

Mepiquat Chloride; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the plant growth regulator mepiquat chloride in or on certain raw agricultural commodities.

DATES: These temporary tolerances expire June 30, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-557-1800.

SUPPLEMENTARY INFORMATON: EPA issued a notice, which was published in the **Federal Register** of September 21, 1988 (53 FR 36635), stating that a temporary tolerance had been established for residues of the plant growth regulator mepiquat chloride (N,N-dimethylpiperidinium chloride) in or on the raw agricultural commodities grapes at 1.0 part per million (ppm) and the processed fractions of raisins at 6.0 ppm, raisin waste at 26 ppm, and pomace, wet and dry, at 3.0 ppm. EPA issued a related food and feed additive regulation which was published in the **Federal Register** of September 27, 1990 (55 FR 39408), renewing 40 CFR 185.2275 and 40 CFR 186.2275 to permit the plant growth regulator mepiquat chloride (N,N-dimethylpiperidinium chloride) in raisins at 6.0 parts per million (ppm), raisin waste at 26 ppm, and grape pomace (wet and dry) at 3.0 ppm. These tolerances were renewed in response to pesticide petition (PP) 7G3561, submitted by BASF Corp., Agricultural Chemicals Group, P.O. Box 13528, Research Triangle Park, NC 27709.

The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 7969-EUP-24, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. BASF Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire June 30, 1991. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: November 7, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90–27817, Filed 11–27–90; 8:45 am]

BILLING CODE 6560–50–F

[PP 7G3551/T602; FRL 3804–1]

Triasulfuron; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide triasulfuron in or on certain raw agricultural commodities.

DATES: These temporary tolerances expire December 31, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703)–557–1800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of April 26, 1989 (54 FR 18020), announcing the establishment of temporary tolerances for residues of the herbicide triasulfuron (3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]urea) in or on the raw agricultural commodities wheat and barley grain at 0.02 part per million (ppm); wheat and barley straw at 2.0 ppm; wheat and barley forage at 5.0 ppm; kidney or cattle, goats, hogs, horses, and sheep at 0.2 ppm; and meat, fat, and meat byproducts, excluding kidney of cattle, goats, hogs, horses, and sheep at 0.1 ppm and milk at 0.02 ppm. These tolerances were issued in response to pesticide petition (PP) 7G3551, submitted by Ciba-Geigy Corp., Agricultural Division, P.O. Box 18300, Greensboro, NC 27419-8300.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 100–EUP–90, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire December 31, 1991. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: November 6, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90–27816 Filed 11–27–90; 8:45 am]

BILLING CODE 6560–50–F

[FRL–3865–2]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), notice is hereby given that a proposed administrative cost recovery settlement concerning the Morrison Drum Site ("The Site") near Hermann, Missouri was issued by the Agency on March 30, 1990. The settlement resolves an Agency claim under section 107 of CERCLA against St. Louis County, Missouri ("the settling party"). The settlement requires the settling party to pay response costs in the amount of approximately $58,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of the publication of this notice, the agency will accept written comments relating to the settlement. The agency's response to any comments received will be available for public inspection at the EPA Region VII Office, located at 726 Minnesota Avenue in Kansas City, Kansas 66101, and at the local repository for site information: St. Louis County Government Center, County Counselor's Office, 41 South Central, Clayton, Missouri 63105, telephone (314) 889–2042.

DATES: Comments must be submitted on or before December 28, 1990.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection during weekday business hours at the EPA Region VII Office at 726 Minnesota Avenue in Kansas City, Kansas 66101. A copy of the proposed settlement may be obtained from Linda McKenzie, Regional Docket Clerk, EPA Region VII,

726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: 913–551–7477.

Comments on the proposed settlement should reference the Morrison Drum Site, near Hermann, Missouri and EPA Docket No. VII–90–F–0013 and should be addressed to Ms. McKenzie at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Gerhardt Braeckel, Assistant Regional Counsel, EPA Region VII, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: 913–551–7471.

Dated: November 19, 1990.

Alan L. Wehmeyer,

Acting Director, Waste Management Division, U.S. EPA Region VII.

[FR Doc. 90–27921 Filed 11–27–90; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Tuesday, December 11, 1990, from 9:30 a.m. to 12 noon. The meeting will be held at Eximbank in room 1143, 811 Vermont Avenue NW., Washington, DC 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Financial and Budget Status Report, Congressional Report, Issues Subcommittee Overview, Small Business Subcommittee Report, International Issues Subcommittee Report, External Delegated Authority Subcommittee Report, Foreign Content Subcommittee Report, Summary and Conclusions of Subcommittee Reports, and other topics.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871, not later than December 10, 1990. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to December 6, 1990, the Office of the Secretary, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566–8871 or TDD: (202) 535–3912.

FURTHER INFORMATION: For further information, contact Joan P. Harris, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871.

Joan P. Harris,

Corporate Secretary.

[FR Doc. 90–28036 Filed 11–27–90; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 19, 1990.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3785.

OMB Number: 3060–0289.

Title: Section 76.601, Performance Tests.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 4,186 recordkeepers; 15 hours average burden per recordkeeper; 62,790 hours total annual burden.

Needs and Uses: Section 76.601 requires that cable television system operators conduct signal leakage measurements at least once each calendar year. The results of these measurements are to be maintained at the operator's local business office and are to be made available for inspection by the Commission on request. These annual systems performance tests do not apply to cable systems with fewer than 1,000 subscribers except for systems that use any frequency spectrum other than that allocated to over-the-air broadcasting. The data is used by FCC staff in field inspections to ensure that there are no signal leakage problems which could cause interference with over-the-air radio frequencies involving safety-of-life functions, i.e., police, fire, forestry, aeronautical, and amateur radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 90–27862 Filed 11–27–90; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1830]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

November 26, 1990.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and coping in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor International Transcription Service (202–857–3800). Oppositions to these petitions must be filed [December 14, 1990]. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions as expired.

Subject: Policy and Rules Concerning Rates for Dominant Carriers (CC Docket No. 87–313)

Number of petitions filed: 27

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Weed and Mount Shasta, California) (MM Docket No. 88–28, RM Nos. 5896 & 6345)

Number of petitions filed: 1

Subject: Amendment of § 73.202(b), Table of Allotments FM Broadcast Stations. (Royston, Georgia) (MM Docket No. 89–523, RM–6929)

Number of petitions filed: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Hayward, Wisconsin) (MM Docket No. 89–620, RM–7125)

Number of petitions filed: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Rockledge, Florida) (MM Docket No. 90–130)

Number of petitions filed: 1

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–28048 Filed 11–27–90; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; American West African Freight Conference

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–007680–079

Title: American West African Freight Conference.

Parties:

Barber West Africa Line
Farrell Lines, Inc.
Maersk Line
Societe Ivoirienne de Transport Maritime, SITRAM
Societe Navale et Commerciale Delmas-Vieljeux (Delmas AAEL)
Torm West Africa Line
Westwind Africa Line

Synopsis: The proposed amendment would add a new paragraph 7.6(c) to provide for a maximum assessment for members of a conference group, who for any calendar year carry two percent or less of the total amount of cargo carried by the group and provide no direct service between the United States and West Africa.

Agreement No.: 212–009847–022.

Title: U.S. Atlantic Coast/Brazil Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritimea Netumar
American Transport Lines, Inc.

Synopsis: The proposed amendment would extend the alternate coast service provisions of the Agreement through December 31, 1991.

Agreement No.: 212–009848–024.

Title: U.S. Gulf Ports/Brazil Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro
Companhia Maritima Nacional
American Transport Lines, Inc.

Synopsis: The proposed amendment would extend the alternate coast service provisions of the Agreement through December 31, 1991.

Agreement No.: 212–010027–028.

Title: Brazil/U.S. Atlantic Coast Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritima Netumar
American Transport Lines, Inc.
Empresa Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. de Navegacion C.F.I.I.
Van Nievelt, Goudriaan and Co. B.V.

Synopsis: The proposed amendment would extend the special pool deductions for certain neo-built-type commodities and for wheels for automobiles through 1991. It would provide for two pool periods in 1991, the first beginning January 1, 1991 and ending March 31, 1991, and the second beginning April 1, 1991, and ending December 31, 1991, and it would add a special carrying adjustment for all cargo for the first pool period. The amendment also makes provision in 1991 for a pool share and sailings obligation for Columbus Line, should Columbus withdraw its currently pending resignation now effective December 31, 1990. The amendment would further provide that if Columbus does not withdraw its resignation, its 1991 pool share shall be divided proportionally among the remaining non-national lines, effective January 1, 1991.

By Order of the Federal Maritime Commission.

Dated: November 23, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–27925 Filed 11–27–90; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed; City of Los Angeles/Nippon Yusen Kaisha Terminal Agreement, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200420–001.

Title: City of Los Angeles/Nippon Yusen Kaisha (NYK) Terminal Agreement.

Parties:

City of Los Angeles
Nippon Yusen Kaisha

Synopsis: The Agreement amends the basic agreement to change the terms for certain construction costs in contact bids for terminal facility improvements.

Agreement No.: 224–200229–002.

Title: Manchester Terminal Corporation/Scott Marine Services, Inc. Terminal Agreement.

Parties:

Manchester Terminal Corporation
Scott Marine Services, Inc.

Synopsis: The Agreement amends the basic agreement to delete provisions providing for a facility use charge for bagged agricultural products.

Agreement No.: 224–010809–001.

Title: Tampa Port Authority/Holland America Westours, Inc. Terminal Agreement.

Parties:

Tampa Port Authority
Holland America Westours, Inc.

Synopsis: The Agreement amends the basic agreement to reduce the minimum annual vessel calls from 28 calls to 15 calls.

Agreement No.: 224–200443.

Title: Maryland Port Administration/Ceres Marine Terminals, Inc. Terminal Agreement.

Parties:

Maryland Port Administration
Ceres Marine Terminals, Inc. (Ceres)

Synopsis: The Agreement provides Ceres the use of certain portions of the North Locust Point Marine Terminal for a term of 3 years.

By Order of the Federal Maritime Commission.

Dated: November 23, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–27924 Filed 11–27–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Barclays PLC, London, England;

Barclays Bank PLC, London, England; Proposal to Underwrite and Deal in Certain Securities to a Limited Extent

Barclays PLC, London, England, and Barclays Bank PLC, London, England (collectively "Applicant"), have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) (the "BHC Act"), § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for prior approval to engage through Barclays de Zoete Wedd Securities, Inc., New York, ("Company"), in underwriting and dealing, to a limited extent, in all types of equity securities, except securities issued by open-end investment companies, on a world-wide basis.

Company is currently authorized to engage (i) In underwriting and dealing in government obligations and money market instruments, pursuant to § 225.25(b)(16) of the Board's Regulation Y (12 CFR 225.25(b)(16)); (ii) in underwriting and dealing in debt securities, pursuant to Board order, *Canadian Imperial Bank of Commerce, The Royal Bank of Canada, Barclays PLC, and Barclays Bank PLC*, 76 Federal Reserve Bulletin 158 (1990) ("*Canadian Imperial*"); (iii) in providing investment or financial advice, pursuant to § 225.25(b)(4) of the Board's Regulation Y (12 CFR 225.25(b)(4)); and (iv) in acting as a futures commission merchant, pursuant to §§ 225.25(b)(18) and (b)(19) of the Board's Regulation Y (12 CFR 225.25(b)(18) and (b)(19)).

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with prior Board approval, engage directly or indirectly in any activities "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to acquire their provision in a specialized form. *National Courier Ass'n* v. *Board of Governors*, 516 F. 2d 1229, 1337 (DC Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 Federal Register 806 (1984).

In determining whether an activity meets the second, or proper incident to banking, test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Applicant has applied to underwrite and deal in equity securities in accordance with the Board's prior orders approving those activities for a number of bank holding companies.

Canadian Imperial

Applicant contends that approval of the application would not be barred by section 20 of the Glass-Steagall Act (12 U.S.C. 377). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities. With regard to the proposed equity securities underwriting and dealing activities, Applicant states that, consistent with section 20, it would not be "engaged principally" in such activities on the basis of the restriction on the amount of the proposed activity relative to the total business conducted by the underwriting subsidiary previously approved by the Board. See Board's Order dated September 21, 1989, 75 Federal Reserve Bulletin 751 (1989).

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal under the BHC Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any views or requests for a hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than December 21, 1990. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(E)), be accompanied by a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented in a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, November 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27895 Filed 11-27-90; 8:45 am]

BILLING CODE 6210-01-M

Sun Financial Corp.; Correction

This notice corrects a previous Federal Register notice (FR Doc. 90-26672) published at page 47392 of the issue for Tuesday, November 13, 1990.

Under the Federal Reserve Bank of St. Louis, the entry for Sun Financial Corporation, Earth City, Missouri, should be amended to add:

1. *Sun Financial Corp.*, Earth City, Missouri, to engage through its subsidiary bank, Farmers State Bank of Ellington, Ellington, Missouri, in acting as principal, agent, or broker for insurance (including home mortgage redemption insurance) that is (a) Directly related to an extension of credit by the bank holding company or any of its subsidiaries; and (b) limited to ensuring the repayment of the outstanding balance due on the extension of credit in the event of the death, disability, or involuntary unemployment of the debtor. See § 225.25(b)(8)(i) of the Board's Regulation Y (12 CFR 225.25(b)(8)(i)).

Comments on this application must be received by December 17, 1990.

Board of Governors of the Federal Reserve System, November 21, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27896 Filed 11-27-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Renewals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the

renewal of certain FDA advisory committees by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463 (5 U.S.C. app. 2)).

DATES: Authority for these committees will expire on the date indicated below unless the Secretary formally determines that renewal is in the public interest.

Name of committee	Date of expiration
Allergenic Products	July 9, 1992.
Cardiovascular and Renal Drugs	Aug. 27, 1992.
Endocrinologic and Metabolic Drugs.	Aug. 27, 1992.
Oncologic Drugs	Sept. 1, 1992.
Anti-Infective Drugs	Oct. 7, 1992.
Dermatologic Drugs	Oct. 7, 1992.
Biological Response Modifiers	Oct. 28, 1992.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: November 20, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–27855 Filed 11–27–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90F–0344]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polymaleic acid and its sodium salt to control mineral scale during production of beet and cane sugar juice and liquor.

FOR FURTHER INFORMATION CONTACT: Vincent Zenger, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188, has filed a petition (FAP OA4226), proposing that § 173.45 *Polymaleic acid and its sodium salt* (21 CFR 173.45) be amended to provide for the safe use of polymaleic acid (CAS Reg. No. 26099–09–2) and its sodium salt (CAS Reg. No. 70247–90–4) to control mineral scale during production of beet and cane sugar juice and liquor at higher levels than the maximum currently permitted under the regulation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 19, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27954 Filed 11–27–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P–0352]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Cumberland Farms, Inc., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 26, 1991.

FOR FURTHER INFORMATION CONTACT: Frederick E. Boland, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0117.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Cumberland Farms, Inc., 777 Dedham St., Canton, MA 02021, and Route 130, Cumberland Blvd., Burlington, NJ 08016.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "75% less fat than regular eggnog."

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 180,000 quarts (170,334 liters) of the test product. The product will be manufactured at Cumberland Farms, Inc., 777 Dedham St., Canton, MA 02021, and Route 130, Cumberland Blvd., Burlington, NJ 08016, and distributed in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 26, 1991.

Dated: November 15, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27955 Filed 11–27–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P-0365]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Foremost Dairies-Hawaii, House Foods Hawaii Corp., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 26, 1991.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0349.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Foremost Dairies-Hawaii, House Foods Hawaii Corp., 2277 Kamehameha Highway, Honolulu, HI 96819.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 15,000 quarts (14,194 liters) of the test product. The test product is to be manufactured at Foremost Dairies-Hawaii, 2277 Kamehameha Highway, Honolulu, HI 96819, nnd distributed in Hawaii.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 26, 1991.

Dated: November 16, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27956 Filed 11-27-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0401]

Interpharm, Inc.; Withdrawal of Approval of Abbreviated New Drug Applications for Clonidine Hydrochloride Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of three abbreviated new drug applications (ANDA's) for Clonidine Hdrochloride Tablets held by Interpharm, Inc., Three Fairfield Ave., Plainfield, NY 11803 (Interpharm). Interpharm has requested that FDA withdraw approval of these ANDA's because the applications contain discrepancies between the product tested for bioequivalence and the information submitted in the applications.

EFFECTIVE DATE: November 28, 1990.

FOR FURTHER INFORMATION CONTACT: Margaret F. Sharkey, Center for Drug Evaluation and Research (HFD-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8041.

SUPPLEMENTARY INFORMATION: Recently, FDA became aware of the difference between the product tested for bioequivalence and the statements submitted in support of the approval of the following ANDA's held by Interpharm:

1. ANDA 71-252; for clonidine hydrochloride tablets, 0.1 milligram (mg).

2. ANDA 71-253; for clonidine hydrochloride tablets, 0.2 (mg).

3. ANDA 71-254; for clonidine hydrochloride tablets, 0.3 (mg).

FDA asked Interpharm to remove the products from the market and to request that FDA withdraw approval of the applications. Interpharm complied with the request. The firm recalled the products to the retail level and, on July 3, 1990, Interpharm requested that approval of the three ANDA's be withdrawn.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of abbreviated new drug applications 71-252, 71-253, and 71-254, and all amendments and supplements thereto, is hereby withdrawn, effective November 28, 1990.

Dated: November 19, 1990.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 90-27885 Filed 11-27-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0378]

Martec Pharmaceutical, Inc., et al.; Withdrawal of Approval of Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 84 abbreviated new drug applications (ANDA's). The holders of the ANDA's notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: December 28, 1990.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD-360), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8038.

SUPPLEMENTARY INFORMATION: The holders of the ANDA's listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

ANDA no.	Drug	Applicant
70-120	Propranolol Hydrochloride Tablets, USP, 10 milligrams (mg)	Martec Pharmaceutical, Inc., 106 West 11th Street, Kansas City, MO 64105.
70-121	Propranolol Hydrochloride Tablets, USP, 20 mg	Do.
70-122	Propranolol Hydrochloride Tablets, USP, 40 mg	Do.
70-124	Propranolol Hydrochloride Tablets, USP, 80 mg	Do.
70-348	Verapamil Hydrochloride Injection, 2.5 mg/milliliter (mL)—2 mL	Lyphomed, 2045 North Cornell Ave., Melrose Park, IL 60160.
71-713	Oxazepam Capsules, USP, 10 mg	Mylan Pharmaceuticals Inc., P.O. Box 4310, 781 Chestnut Ridge Rd., Morgantown, WV 26505.
71-714	Oxazepam Capsules, USP, 15 mg	Do.
71-715	Oxazepam Capsules, USP, 30 mg	Do.
72-013	Clorazepate Dipotassium Tablets, 3.75 mg	Lederle Laboratories, North Middletown Rd., Pearl River, NY 10965.
72-014	Clorazepate Dipotassium Tablets, 7.5 mg	Do.
72-015	Clorazepate Dipotassium Tablets, 15 mg	Do.
72-117	Propranolol Hydrochloride Tablets, 10 mg	Do.
72-118	Propranolol Hydrochloride Tablets, 20 mg	Do.
72-119	Propranolol Hydrochloride Tablets, 40 mg	Do.
72-120	Propranolol Hydrochloride Tablets, 80 mg	Do.
72-402	Diazepam Tablets, USP, 10 mg	Martec Pharmaceutical Inc.
80-223	Servisone (Prednisone) Tablets, 5 mg	Lederle Laboratories, Inc.
83-062	Chlorpheniramine Maleate Tablets, 4 mg	Perrigo Co., P.O. Box 1968, Greenville, SC 29602.
83-299	Propoxyphene Hydrochloride Capsules, USP, 65 mg	Mylan Pharmaceuticals Inc.
84-734	MISTURA (Naphazoline Hydrochloride) Ophthalmic Solution, 0.1%	Lederle Laboratories, Inc.
84-787	MISTURA (Naphazoline Hydrochloride) Ophthalmic Solution, 10%	Do.
84-789	Chlorpromazine Hydrochloride Tablets, USP, 100 mg	Do.
84-800	Chlorpromazine Hydrochloride Tablets, USP, 50 mg	Do.
84-801	Chlorpromazine Hydrochloride Tablets, USP, 25 mg	Do.
84-802	Chlorpromazine Hydrochloride Tablets, USP, 200 mg	Do.
84-921	Hydroxocobalamin Injection, USP	LyphoMed, Inc.
85-100	Propoxyphene Hydrochloride with Acetaminophen Tablets, USP, 65 mg/650 mg	Lederle Laboratories, Inc.
85-496	Aristocort K (Triamcinolone Acetonide) Cream	Lederle Laboratories, Inc.
85-952	Theophylline Elixir, 80 mg/15 mL	Perrigo Co.
86-267	Imipramine Hydrochloride Tablets, USP, 25 mg	Lederle Laboratories, Inc.
86-268	Imipramine Hydrochloride Tablets, USP, 50 mg	Do.
86-269	Imipramine Hydrochloride Tablets, USP, 10 mg	Do.
86-299	Meprobamate Tablets, 400 mg	Do.
86-743	Amitriptyline Hydrochloride Tablets, USP, 50 mg	Do.
86-744	Amitriptyline Hydrochloride Tablets, USP, 10 mg	Do.
86-745	Amitriptyline Hydrochloride Tablets, USP, 75 mg	Do.
86-746	Amitriptyline Hydrochloride Tablets, USP, 25 mg	Do.
86-747	Amitriptyline Hydrochloride Tablets, USP, 100 mg	Do.
86-855	Isosorbide Dinitrate Tablets (Sub), USP, 5 mg	Do.
86-858	Isosorbide Dinitrate Tablets (Oral), USP, 5 mg	Do.
86-861	Isosorbide Dinitrate Tablets (Sub), USP, 2.5 mg	Do.
86-862	Isosorbide Dinitrate Tablets (Oral), USP, 10 mg	Do.
86-874	Diphenhydramine Hydrochloride Capsules, USP, 25 mg	Do.
86-875	Diphenhydramine Hydrochloride Capsules, USP, 50 mg	Do.
86-876	Chlordiazepoxide Hydrochloride Capsules, USP, 10 mg	Do.
86-877	Dicyclomine Hydrochloride Capsules, USP, 10 mg	Do.
86-878	Dicyclomine Hydrochloride Capsules, USP, 20 mg	Do.
86-891	Nitroglycerin Capsules Sustained Release, 2.5 mg	Do.
86-892	Chlordiazepoxide Hydrochloride Capsules, USP, 5 mg	Do.
86-893	Chlordiazepoxide Hydrochloride Capsules, USP, 25 mg	Do.
86-894	Nitroglycerin Capsules Sustained Release, 6.5 mg	Do.
86-917	Probenecid Tablets, USP, 500 mg	Do.
86-937	Diphenhydramine Hydrochloride Elixir, USP, 12.5 mg/5 mL	Do.
86-940	Chlorthiazide Tablets, USP, 250 mg	Do.
86-941	Chlorpheniramine Maleate Tablets, USP, 4 mg	Do.
86-942	Procainamide Hydrochloride Capsules, USP, 250 mg	Do.
86-943	Procainamide Hydrochloride Capsules, USP, 500 mg	Do.
86-950	Diphenoxylate/Atropine Sulfate Tablets, USP, 2.5 mg/0./25 mg	Do.
86-952	Procainamide Hydrochloride Capsules, USP, 375 mg	Do.
86-954	Probenecid with Colchicine Tablets, USP, 500 mg/0.5 mg	Do.
86-958	Chlorpromazine Hydrochloride Oral Solution Concentrate, 100 mg/mL	Do.
86-968	Prednisone Tablets, USP, 5 mg	Do.
86-984	Ergoloid Mesylates Tablets (Sub), USP, 0.5 mg	Do.
87-037	Chlordiazepoxide Hydrochloride Capsules, USP, 10 mg	Do.
87-141	Acetaminophen with Codeine Tablets, 300 mg/30 mg	Do.
87-142	Propoxyphene Hydrochloride with Aspirin, Phenacetin and Caffeine Capsules	Do.
87-181	Amitriptyline Hydrochloride Tablets, USP, 50 mg	Do.
87-231	Chlordiazepoxide Hydrochloride Capsules, USP, 25 mg	Do.
87-234	Chlordiazepoxide Hydrochloride Capsules, USP, 5 mg	Do.
87-366	Amitriptyline Hydrochloride Tablets, USP, 10 mg	Do.
87-367	Amitriptyline Hydrochloride Tablets, USP, 25 mg	Do.
87-368	Amitriptyline Hydrochloride Tablets, USP, 100 mg	Do.
87-369	Amitriptyline Hydrochloride Tablets, USP, 75 mg	Do.
87-370	Amitriptyline Hydrochloride Tablets, USP, 150 mg	Do.

ANDA no.	Drug	Applicant
87-511	Spironolactone with Hydrochlorothiazide Tablets, 25 mg/25 mg	Do.
87-634	Spironolactone Tablets, USP, 25 mg	Do.
87-649	Sulfisoxazole Tablets, USP, 500 mg	Do.
87-709	Reserpine/Hydralazine Hydrochloride/Hydrochlorothiazide Tablets, USP, 0.1 mg/25 mg/15 mg.	Do.
87-843	Dipyridamole Tablets Film Coated, USP, 25 mg	Do.
88-362	Dipyridamole Tablets Film Coated, USP, 50 mg	Do.
88-363	Dipyridamole Tablets Film Coated, USP, 75 mg	Do.
88-935	Methotrexate Sodium for Injection, 20 mg/vial	LyphoMed, Inc.
88-936	Methotrexate Sodium for Injection, 50 mg/vial	Do.
88-937	Methotrexate Sodium for Injection, 100 mg/vial	Do.

The agency has determined under 21 CFR 25.24(d)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the new drug applications listed above, and all supplements thereto, is hereby withdrawn, effective December 28, 1990.

Dated: November 19, 1990.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 90-27886 Filed 11-27-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90M-0335]

Depuy®; Premarket Approval of the Posterior Cruciate Retaining Configuration of the New Jersey LCS® Total Knee System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by DePuy, Warsaw, IN, for premarket approval, under the Medical Device Amendments of 1976, of the Posterior Cruciate Retaining configuration of the new jersey LCS® Total Knee System. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 26, 1990, of the approval of the application.

DATES: Petitions for administrative review by December 28, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas J. Callahan, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1036.

SUPPLEMENTARY INFORMATION: On January 11, 1990, DePuy, Warsaw, IN 46580, submitted to CDRH an application for premarket approval of the Posterior Cruciate Retaining configuration of the new jersey LCS® Total Knee System. The device is indicated for noncemented use in skeletally mature individuals undergoing primary surgery for rehabilitating knees damaged as a result of noninflammatory degenerative joint disease (NIDJD) or any of its composite diagnoses of osteoarthritis, posttraumatic arthritis, and psoriatic arthritis.

The Posterior Cruciate Retaining configuation of the new jersey LCS® Total Knee System consists of three components intended to replace the femoral, tibial, and patellar surfaces of the knee joint.

On June 1, 1990, the Orthopedic and Rehabilitation Devices Panel, and FDA advisory committee, reviewed and recommended approval of the application. On September 26, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Thomas J. Callahan (HFZ-410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3))) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 28, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the

Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 16, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90-27887 Filed 11-27-90; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare and Medicaid Programs; Meeting of the Advisory Council on Social Security

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Advisory Council on Social Security.

DATES: The meeting will be open to the public on December 13, 1990 from 9 a.m. to 6:30 p.m.; and on December 14, 1990, from 9 a.m. to 4:30 p.m.

ADDRESSES: Diplomat Room, Omni Shoreham, 2500 Calvert Street, NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Olga Nelson, Administrative Officer, Advisory Council on Social Security, Room 638 G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington DC 20201, 202-245-0217.

SUPPLEMENTARY INFORMATION: .

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every four years. The Council examines issues affecting the Social Security retirement, disability, and survivors insurance programs, as well as the Medicare and Medicaid programs, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- The adequacy of the Medicare program to meet the health and long-term care needs of our aged and disabled populations, the impact on Medicaid of the current financing structure for long-term care, and the need for more stable health care financing for the aged, the disabled, the poor, and the uninsured;
- Major Old-Age, Survivors, and Disability Insurance (OASDI) financing issues, including the long-range financial status of the program, relationship of OASDI income and outgo to budget-deficit reduction efforts under the Balanced Budget and Emergency Deficit Control Act of 1985, and projected buildups in the OASDI trust funds; and
- Broad policy issues in Social Security, such as the role of Social Security in overall U.S. retirement income policy.

The Council is composed of 12 members: G. Lawrence Atkins, Robert M. Ball, Philip Briggs, Lonnie R. Bristow, Theodore Cooper, John T. Dunlop, Karen Ignagni, James R. Jones, Paul O'Neill, A.L. "Pete" Singleton, John J. Sweeney, and Don C. Wegmiller. The chairperson is Deborah Steelman.

The Council is to report to the Secretary and Congress by Spring 1991.

II. Agenda

The Council will discuss issues relating to health care financing policy.

The agenda items are subject to change as priorities dictate.

(Catalog of Federal Domestic Assistance Programs Nos. 13.714 Medical Assistance Program; 13.733 Medicare-Hospital Insurance; 13.774 Medicare-Supplementary Medical Insurance; 13.802, Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; 13.805 Social Security-Survivor's Insurance)

Dated: November 13, 1990.

Anna D. LaBelle,

Executive Director, Advisory Council on Social Security.

[FR Doc. 90-28066 Filed 11-27-90; 8:45 am]

BILLING CODE 4120-03-M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval of an information collection for the Administration for Native American's Objective Evaluation Report.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245-6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to : Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, Room 3002, 725 17th Street, NW., Washington, DC 20503 (202) 395-7316.

Information on Document

Title: Objective Evaluation Report.

OMB No.: 0980-0144

Description: The Objective Evaluation Report, a component of the Administration for Native Americans' management information and evaluation system, is one of the two required reports which provide the basic information on the progress of projects receiving federal financial assistance grants under the Native American Programs Act of 1974 (the Act) as amended.

The Objective Evaluation Report is a self-evaluation through which the grantee reports on achievement of the objectives funded and indicates results and benefits of the project. This is a major source of information needed by the Administration for Native Americans to fulfill the requirements of section 811 of the Act for reports and evaluations.

Annual Number of Respondents	200
Annual Frequency	1
Average Burden Hours Per Response	4
Total Burden Hours	800

Dated: November 21, 1990.

Mary Sheila Gail,

Assistant Secretary for Human Development Services.

[FR Doc. 90-27910 Filed 11-27-90; 8:45 am]

BILLING CODE 4130-01-M

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval of an information collection for the Administration for Native Americans' Objective Progress Report.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245-6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive

Office Building, Room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Objective Progress Report.
OMB No.: 0980–0155.
Description: The Objective Progress Report, a component of the Administration for Native Americans' (ANA) management information and evaluation system, is one of the two required reports which provide the basic information on the progress of projects receiving federal financial assistance grants under the Native American Programs Act of 1974 as amended.

The Objective Progress Report provides a means through which information about projects, significant for management and policy development, may be systematically and regularly converted into ANA's Program Information and Evaluation System (PIES). This system is used to produce summary reports and is the information source for analytic studies of the projects funded by ANA. It also provides the only history of, and specific project contents for, ANA grants. Many requests are received to produce such information from the public, constituents, other federal agencies, and the Congress.

Annual Number of Respondents	200
Annual Frequency	3
Average Burden Hours Per Response	3
Total Burden Hours	1,800

Dated: November 21, 1990.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 90–27911 Filed 11–27–90; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Reinstatement of a Terminated Oil and Gas Lease

In accordance with title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease AA–48601–D has been received covering the following lands:

Copper River Meridian, Alaska

T. 5S., R. 1 E.,
Sec. 4, NW1/4SW1/4.
(40 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this notice have been paid. The required rentals and royalties accruing from June 1, 1990, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48601–D as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective June 1, 1990 subject to the terms and conditions cited above.

Dated: November 16, 1990.

Ruth Stockie,

Chief, Branch of Mineral Adjudication.

[FR Doc. 90–27889 Filed 11–27–90; 8:45 am]

BILLING CODE 4310–JA–M

[CO–050–4212–13]

Realty Action—Chaffee County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, COC–51086, addressing a proposal to exchange private land for public land in Chaffee County, Colorado.

SUMMARY: The following described private land has been offered to the BLM:

New Mexico Principal Meridian

T. 50 N., R. 8 E.
Sec. 10, metes and bounds description (also described as lots 3–17 & lots 21–24 of the unapproved Cedar Gate Subdivision).

Totaling 83.9 acres in Chaffee County, Colorado.

In exchange, the following described public land has been selected by the proponent:

New Mexico Principal Meridian

T. 50 N., R. 8 E.,
Sec. 7, NE¼NE¼;
Sec. 31, SE¼NE¼.

Sixth Principal Meridian

T. 15 S., R. 78 W.,
Sec. 17, SW¼NW¼, SE¼SW¼;
Sec. 18, W½SE¼, NE¼SE¼;
Sec. 31, S½NE¼.

Totaling 360 acres in Chaffee County.

The purpose of the exchange is to acquire recreational land for the Arkansas Headwaters Recreational Area on the Arkansas River for rafting and fishing below Browns Canyon.

The public land parcels are scattered, some with legal access lying north and west of Poncha Springs and west of Nathrop, Colorado.

DATES: Comments will be accepted until January 9, 1991.

ADDRESSES: Known interested parties will be mailed a notice on this proposal. All persons may submit comments to the District Manager, Bureau of Land Management, P.O. Box 2200, Canon City, Colorado 81215–2200. Please refer to case file COC–51086 for any comments submitted.

FOR FURTHER INFORMATION CONTACT: Mark Pyle, Realty Specialist, Bureau of Land Management, Royal Gorge Resource Area, P.O. Box 2200, Canon City, Colorado 81215–2200; Phone: (719) 275–0631.

SUPPLEMENTARY INFORMATION: The public land being disposed of near Poncha Springs are two land locked forty acre parcels. The eighty acre parcel west of Nathrop borders the Forest Service and a large ranch. The remaining parcels west of Nathrop are near a rural subdivision area and/or adjacent to Colorado State Land.

The private land being acquired is one parcel lying on and between the Arkansas River and Colorado State Highway No. 291 south of Browns Canyon. This parcel will provide needed access for recreational activities below the Hecla Junction rafting take-out.

The publication of this notice segregates the public lands described above from the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for a period of 2 years from the date of first publication.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 90–27890 Filed 11–27–90; 8:45 am]

BILLING CODE 4310–JB–M

[CO–050–4212–13]

Realty Action—Lake County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, COC–51085, addressing a proposal to exchange private land for public land in Lake County, Colorado.

SUMMARY: The following described private land has been offered to the BLM:

Sixth Principal Meridian

T. 9 S., R. 80 W.,
Sec. 14, NE¼NW¼.

Totaling 40 acres in Lake County.

In exchange, the following described public land has been selected by the proponent:

Sixth Principal Meridian

T. 9 S., R. 80 W.,
Sec. 14, NW¼SW¼.
Totaling 40 acres in Lake County.

The purpose of the exchange is to consolidate public ownership along the East Fork of the Arkansas River and to exchange an isolated parcel of public land.

DATES: Comments will be accepted until January 9, 1991.

ADDRESSES: Known interested parties will be mailed a notice on this proposal. All persons may submit comments to the District Manager, Bureau of Land Management, P.O. box 2200, Canon City, Colorado 81215–2200. Please refer to case file COC–51085 for any comments submitted.

FOR FURTHER INFORMATION CONTACT: Mark Pyle, Realty Specialist, Bureau of Land Management, Royal Gorge Resource Area, P.O. box 2200, Canon City, Colorado 81215–2200; Phone: (719) 275–0631.

SUPPLEMENTARY INFORMATION: The public land being disposed of lies west of Leadville, Colorado. The parcel is bordered on two sides by rural residential subdivision. The proponent will develop the parcel into additional rural residential use.

The offered land is bordered on three sides by public land and will provide additional riparian habitat.

The publication of this notice segregates the public lands described above from the public land laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for a period of 2 years from the date of first publication.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 90–27891 Filed 11–27–90; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

[CA–940–90–4520–12]

Filing of Plats of Survey; California

November 19, 1990.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATES: Filing was effective at 10 a.m. on the date of submission to the California State Office Public Room.

FOR FURTHER INFORMATION CONTACT: Clifford Robinson, Branch Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, Sacramento, CA 95825, 916–978–4775.

Humbolt Meridian, California

T. 18N., R. 2E.,—Dependent resurvey and subdivision of sections 4 and 5, (Group No. 1033) accepted October 3, 1990, to meet certain administrative needs of the U.S. Forest Service, Six Rivers National Forest.

T. 16N., R. 2E.,—Dependent resurvey and subdivision of section 30, and metes-and-bounds survey of tracts 37 through 41, (Group No. 971) accepted October 1, 1990, to meet certain administrative needs of the U.S. Forest Service, Six Rivers National Forest.

T. 4N., R. 6E.,—Dependent resurvey and metes-and-bounds survey of tracts 37–55, (Group No. 922) accepted August 7, 1990, to meet certain administrative needs of the U.S. Forest Service, Trinity National Forest.

T. 17N., R. 2E.,—Dependent resurvey and metes-and-bounds survey, (Group No. 1013B) accepted August 13, 1990, to meet certain administrative needs of the U.S. Forest Service, Six Rivers National Forest.

T. 17N., R. 6E.,—Dependent resurvey and metes-and-bounds survey of tracts 37, 38 and 39, (Group No. 972) accepted June 6, 1990, to meet certain administrative needs of the of the U.S. Forest Service, Klamath National Forest.

T. 6N., R. 2E.,—Dependent resurvey and survey, (Group No. 993) accepted May 18, 1990, to meet certain administrative needs of the Bureau of Indian Affairs and the Bureau of Land Management, Ukiah District, Arcata Resource Area.

Mount Diablo Meridian, California

T. 31N., R. 8E.,—Dependent resurvey and subdivision of certain sections, (Group No. 934) accepted June 19, 1990, to meet certain administrative needs of the U.S. Forest Service, Lassen National Forest.

T. 11N., R. 9E., and T. 11N., R. 10E.,—Dependent resurvey and survey of the subdivision of section 12 (T. 11N., R. 9E.,) and the dependent resurvey and subdivision of section 18 (T. 11N., R. 10E.,), (Group No. 1018) accepted August 18, 1990, to meet certain administrative needs of the Bureau of Land Management, Bakersfield District, Folsom Resource Area.

T. 16N., R. 9E.,—Supplemental plat of the East ½ section 18, accepted July 30, 1990, to meet certain administrative needs of the Bureau of Land Management, Bakersfield District.

T. 40N., R. 9E.,—Dependent resurvey and subdivision of certain sections, (Group No. 976) accepted May 15, 1990, to meet certain administrative needs of the U.S. Forest Service, Modoc National Forest.

T. 28N., R. 11E.,—Dependent resurvey, (Group No. 994) accepted April 17, 1990, to meet certain administrative needs of the U.S. Forest Service, Plumas National Forest.

T. 7N., R. 12E.,—Dependent resurvey, subdivision of section 4, and metes-and-bounds survey, (Group No. 1058) accepted June 19, 1990, to meet certain administrative needs of the Bureau of Land Management, Bakersfield District, Folsom Resource Area.

T. 12N., R. 18E.,—Dependent resurvey, (Group No. 940) accepted July 31, 1990, to meet certain administrative needs of the U.S. Forest Service, Lake Tahoe Basin Management Unit.

T. 13N., R. 10W.,—Supplemental plat of the SW¼ section 8, accepted June 13, 1990, to meet certain administrative needs of the Bureau of Land Management, Ukiah District, Clearlake Resource Area.

T. 16N., R. 10W.,—Dependent resurvey, (Group No. 1050) accepted June 14, 1990, to meet certain administrative needs of the U.S. Forest Service, Mendocino National Forest.

T. 44N., R. 11W.,—Dependent resurvey and metes-and-bounds survey of tracts 37 through 50, (Group No. 981) accepted October 3, 1990, to meet certain administrative needs of the U.S. Forest Service, Klamath National Forest.

T. 22N., R. 13W.,—Dependent resurvey and survey, (Group No. 988) accepted June 19, 1990, to meet certain administrative needs of the Bureau of Indian Affairs and the Covelo Indian community.

T. 16S., 10E.,—Dependent resurvey, (Group No. 1068) accepted October 3, 1990, to meet certain administrative needs of the Bureau of Land Management, Bakersfield District, Hollister Resource Area.

T. 2S., R. 18E. and T. 2S., R. 19E.,—Dependent resurvey, (Group No. 1008) accepted May 18, 1990, to meet certain administrative needs of the U.S. Forest Service, Stanislaus National Forest.

T. 2S., R. 26E.,—Dependent resurvey and survey, (Group No. 1038) accepted May 31, 1990, to meet certain administrative needs of the U.S. Forest Service, Inyo National Forest.

San Bernardino Meridian, California

T. 10N., R. 1W.,—Supplemental plat of the NE¼ of section 8, accepted August 13, 1990, to meet certain needs of the Bureau of Land Management, California Desert District, Barstow Resource Area.

T. 8S., R. 21E. and T. 9S., R. 21E.,—Dependent resurvey and subdivision of certain sections, (Group No. 912) accepted April 27, 1990, to meet certain needs of the Bureau of Land Management, California Desert District, Palm Springs Resource Area.

All of the above listed surveys are now the basic record for describing the lands for all authorized purposes. The surveys will be placed in the open files in the BLM, California State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be

furnished to the public upon payment of the appropriate fee.

Patricia L. Porter,

Chief, Public Information Section.

[FR Doc. 90-27892 Filed 11-27-90; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Tetlin/Northway, Alaska Federal Lands Hunting Announcement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: By emergency order of the Federal Subsistence Board and in accordance with 50 CFR 100.23(v), caribou hunting on Federal public lands south of the Alaska Highway within the Alaska State Game Management Unit 12 is open to residents of Tetlin and Northway during the period of November 19–December 15, 1990. The bag limit is 1 caribou by Federal registration permit only. This opening will provide a subsistence opportunity for qualified subsistence users while still ensuring a healthy caribou population.

DATES: The emergency opening is effective from November 19, 1990–December 15, 1990.

FOR FURTHER INFORMATION CONTACT: U.S. Fish and Wildlife Service, Subsistence Office, 1011 East Tudor Road, Anchorage, Alaska 99503, telephone (907) 267–1461; or Tetlin National Wildlife Refuge, P.O. Box 155, Tok, Alaska 99780, telephone (907) 883–5312.

SUPPLEMENTARY INFORMATION: As empowered by 50 CFR 100.23(v), the Federal Subsistence Board (Board) has opened Federal public lands south of the Alaska Highway in Game Management Unit 12 to the hunting of caribou from November 19, 1990–December 15, 1990, by those residents of the communities of Tetlin and Northway. A Federal registration permit, obtainable from the Tetlin National Wildlife Refuge is required. The bag limit is one (1) caribou. Federal public lands south of the Alaska Highway in Game Management Unit 12 will be closed to caribou hunting after these dates until the U.S. Fish and Wildlife Service of the Federal Subsistence Board announces another opening.

Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture grant a preference in favor of subsistence uses of fish and wildlife resource on public lands. On November 19, 1990, the Board took emergency action to open the Federal subsistence season and bag limit restrictions for caribou in Game Management Unit 12. This opening by announcement is provided for by regulation and ensures the opportunity for subsistence uses of wildlife by rural residents of Alaska.

The Nelchina and Mentasta caribou herds have pushed north of the Mentasta mountains, spreading into the upper Tanana basin (including all of Tetlin National Wildlife Refuge). They are as far north as the Alaska Highway between mileposts 1284 and 1244, extend east to the Canadian border, and are in the vicinity of Tetlin and Northway.

For the first time in over 10 years, the Nelchina/Mentasta caribou moved into the area during the winter of 1983–84 and the State opened a season. The animals reappeared in increasing numbers during 1987–88 and in 1988–89. Last year was the first year the caribou crossed the Alaska Highway on the north and the Canadian Border on the east. The State held a hunt during 1988–89 by special permit to residents of Northway and Tetlin; and expanded the hunt once caribou crossed the Alaska Highway to the east. A harvest level of between 100–150 caribou is expected this year.

This opening will protect the caribou population from illegal hunting as well as provide a subsistence preference for local subsistence users.

Rowan W. Gould,

Acting Chairman, Federal Subsistence Board; Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 90-27863 Filed 11-27-90; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

ACTION: Notice.

SUMMARY: Notice is hereby given of intent to make assistance awards with State Geological Surveys, universities and other organizations, on a cost sharing basis to conduct geologic research under the coastal geology research program.

The purpose of the program is to enhance cooperative geologic research on the physical processes i.e., framework of coastal regions, sediment transport, sea level rise, geomorphic evolution effecting a variety of coastal regions, by fostering a close working relationship between the U.S. Geological Survey, and the State Geological Surveys, Universities and other recipients.

FOR FURTHER INFORMATION CONTACT: S. Jeffress Williams, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 914, Reston, VA 22090, (703) 648–6511.

SUPPLEMENTARY INFORMATION: The Coastal Geology Program is focused on increasing our scientific understanding of the physical processes affecting the Nation's coastal and wetlands environments. Field investigations, conducted in cooperation with various Federal and State agencies as well as university research scientists, are currently underway in Louisiana, Alabama, Mississippi, and southern Lake Michigan. The objective of these investigations is to characterize the geologic and geomorphic framework of these regions and to decipher the critical process affecting their coastal and wetlands environments.

Additional investigations will begin in western Louisiana, east Texas, and the Great Lakes region. The studies in Louisiana and Texas will focus on coastal erosion, whereas those in the Great Lakes region will concentrate on processes causing wetlands deterioration. In addition, work will be begin on assembling and field testing a video recording system capable of monitoring coastal conditions in remote sites and under adverse storm conditions while unattended for long periods of time. The work will follow pioneering efforts undertaken at Oregon State University and will potentially be applicable to current and future coastal studies in all the regions of the Nation. Initial field testing will probably take place in Florida and the Great Lakes region.

Authority for this program is contained in the Dept. of the Interior, U.S. Geological Survey Fiscal Year 1991 Appropriations Bill.

Applications Forms

The Program Announcement is expected to be available on or about January 15, 1991. Applications may be submitted by all interested parties, but cost sharing is strongly encouraged. Prospective applicants are requested to state in writing their interest in the research. Letters should be addressed to Kathy Craig, Contracting Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 205A, Reston, VA 22092, (703) 648–7357.

(Catalog of Federal Domestic Assistance 15.808)

Dated: November 14, 1990.

William F. Grossman,

Acting Assistant Director for Administration.

[FR Doc. 90-27888 Filed 11-27-90; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-305]

Apples: Certain Conditions of Competition Between the U.S. and Canadian Industries

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Following receipt on October 16, 1990, of a request from the Committee on Finance, United States Senate, the Commission instituted investigation No. 332-305, Apples: Certain Conditions of Competition Between the U.S. and Canadian Industries, under section 332(g) of the Tariff Act of 1930 (17 U.S.C. 1332(g)). As requested by the Committee, the Commission will, to the extent possible, develop information regarding the apple growing industries and the apple markets in the United States and Canada. The Committee requested that the Commission submit its report not later than August 1, 1991.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: For information on other than the legal aspects of the study, contact Frederick W. Ruggles (202-252-1325) (after 1/11/91—202-205-3325) or David Ingersoll (202-252-1309) (after 1/11/91—202-205-3309), Agriculture Division, Office of Industries, U.S. International Trade Commission. For information on the legal aspects of the study, contact William Gearhart (202-252-1039) (after 1/11/91—202-205-3091), Office of the General Counsel, U.S. International Trade Commission. Hearing-impaired persons can obtain information on this study by contacting our TDD terminal on (202) 252-1810 (after 1/11/91—202-205-1810).

Background

In its letter, the Committee stated that it was requesting that the Commission conduct the investigation "for the purposes of assessing current and proposed practices and policies of the Canadian Government with respect to the apple industry, particularly the proposed national supply management program for apples in Canada." As requested by the Committee, the Commission will seek to provide in its report, to the extent possible, the following information:

(1) The purpose, nature, quantity, and use of the policies and practices of the Canadian national and provincial governments affecting apples, including:

(a) Rebates provided to retailers by Canadian marketing organizations;

(b) Advertising allowances offered to retailers by marketing organizations or national or provincial agencies;

(c) Payments to growers under the Agricultural Stabilization Act (ASA), the National Tripartite Price Stabilization Program, and the British Columbia Farm Income Insurance Program when average prices fall below benchmark costs, and how the benchmark prices are set; and

(d) Other import, price, and supply proposals being considered by the National Farm Products Marketing Council.

(2) The volume and value of U.S. imports of fresh apples from Canada over the last 5 years, with special emphasis on how such imports have concentrated in individual regional markets throughout the United States;

(3) An analysis of the competitive factors in each industry, including a comparison, by market regions wherever obtainable, of sales prices of U.S. and Canadian apples in the U.S. and Canadian markets, and an analysis of each country's costs of production;

(4) A comparison of the quality of U.S. and Canadian apples destined for the fresh apple market;

(5) A comparison of the consumption and utilization trends in Canada and the United States for apples destined for the fresh and processed market; and

(6) A comparison of total Canadian and U.S. apple production by region and province over the last 5 years.

Written Submissions

Interested persons are invited to submit written statements concerning the investigation. Written submissions to be considered by the Commission should be received by the close of business on May 3, 1991. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be available for inspection by interested persons. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Issued: November 21, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-27935 Filed 11-27-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-319]

Investigation

In the matter of Certain Automotive Fuel Caps and Radiator Caps and Related Packaging and Promotional Materials.

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 23, 1990, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Stant, Inc., 1620 Columbia Avenue, Connersville, Indiana 47331-9990. Supplements to the complaint were filed on November 8, 1990, and November 19, 1990. The complaint as supplemented alleges violations of subsections (a)(1)(B)(i) and (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automotive fuel caps and radiator caps by reason of alleged infringement of U.S. Letters Patents 4,091,955, 4,177,931, 4,083,209, 4,765,505, 4,676,390, and 3,878,965, of certain packaging and promotional literature for fuel caps and radiator caps, including parts catalogues, by reason of alleged infringement of U.S. Registered Trademarks Nos. 814,866 and 1,507,054, and of certain promotional literature, including parts catalogues, by reason of alleged infringement of U.S. Registered Copyright Nos. TX 1,783,598, TX 2,134,460, TX 2,344,359, TX 2,876,401, and TX 2,851,757, and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complaint requests that the Commission institute an investigation and, after a full investigation, issue permanent general exclusion orders and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this

matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810.

FOR FURTHER INFORMATION CONTACT: Gary M. Hnath, Esq. or Linda C. Odom, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–252–1571.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on November 20, 1990, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine

(a) Whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automotive fuel caps and radiator caps by reason of infringement of claims 1–9 of U.S. Letters Patent 4,091,955, claims 1–12 of U.S. Letters Patent 4,177,931, claims 1–17 of U.S. Letters Patent 4,083,209, claims 1–15 of U.S. Letters Patent 4,765,505, claims 1–36 or 38–42 of U.S. Letters Patent 4,676,390, or claims 1–9 of U.S. Letters Patent 3,878,965;

(b) Whether there is a violation of subsection (a)(1)(C) in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain fuel caps and radiator caps, or promotional literature and packaging for fuel caps and radiator caps, including parts catalogues, by reason of infringement of U.S. Registered Trademark Nos. 814,866 or 1,507,054;

(c) Whether there is a violation of subsection (a)(1)(B)(i) in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain promotional literature, including parts catalogues, by reason of infringement of U.S. Registered Copyright Nos. TX 1,783,598, TX 2,134,460, TX 2,344,359, TX 2,876,401, or TX 2,851,757; and

(d) Whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this Notice of Investigation shall be served:

(a) The complainant is: Stant Inc., 1620 Columbia Avenue, Connersville, Indiana 47331–9990.

(b) The respondents are the following companies alleged to be in violation of section 337, and the parties upon which the complaint is to be served:

Gin Seng Industrial Co., Ltd., No. 115, Lane 288, Sec. 1 An-Ho Road, Tainan 70901 Taiwan.

Chieftain-Uniworld Corp. d/b/a Chieftain Automotive Products, 20 Revco Road, North Augusta, South Carolina 29841.

Transworld Products, Inc., 11005 West 60th Street, suite 310, Shawnee Mission, Kansas 66203.

(c) Gary M. Hnath, Esq., and Linda C. Odom, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., room 401, Washington, DC 20436, shall be the Commission investigative attorneys; and

(3) For the investigation so instituted, Janet D. Saxon, Chief, Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint and the Notice of Investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR § 210.21. Pursuant to §§ 201.16(d) and (210.21(a) of the Commission's Rules, 19 CFR §§ 201.11(d) 210.21(a), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint and this Notice of Investigation. Extensions of time for submitting responses to the complaint and Notice of Investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice, and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order, or a cease and desist order, or both, directed against such respondent.

Issued: November 20, 1990.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 90–27940 Filed 11–27–90; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 731–TA–461 (Final)]

Gray Portland Cement and Cement Clinker From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–461 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of gray portland cement and cement clinker, provided for in subheading 2523.10.00, 2523.29.00, and 2523.90.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LFTV). Commerce is scheduled to make its final LTFV determination on or before March 15, 1991, and the Commission will make its final injury determination within 45 days after receipt of Commerce's final determination (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: November 15, 1990.

FOR FURTHER INFORMATION CONTACT: Brian Walters (202–252–1198), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments

who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of gray portland cement and cement clinker from Japan are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigation was requested in a petition filed on May 18, 1990, by the Ad Hoc Committee of Southern California Producers of Gray Portland Cement, of Washington, DC. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (55 FR 28465, July 11, 1990).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the later entry for good cause shown by the person desiring to file the entry.

Public Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited Disclosure of Business Proprietary Information Under a Protective Order and Business Proprietary Information Service List

Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later then twenty-one (21) days after the application of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on March 1, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on March 21, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Request to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 11, 1991. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a perhearing conference to be held at 9:30 a.m. on March 14, 1991, at U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is March 14, 1991. If prehearing briefs contain business proprietary information, a nonbusiness proprietary version is due March 15, 1991.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevent to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on March 27, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due March 28, 1991. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigation on or before March 27, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than April 1, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing

briefs. A nonbusiness proprietary version of such additional comments is due April 2, 1991.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to §207.20 of the Commission's rules (19 CFR 207.20)

Issued: November 21, 1990.
By order of the Commission.

[FR Doc. 90-27936 Filed 11-17-90; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-316]

Commission Determination Not To Review Initial Determination Dismissing Respondent Maple Technologies From the Investigation

In the matter of Certain Power Transmission Chains, Chain Assemblies, Components Thereof, and Products Containing Same.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) dismissing respondent Maple Technologies (Maple) from the above-captioned investigation.

ADDRESSES: Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E. Street SW., Washington, DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT: George Thompson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436; telephone 202-252-1090.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-252-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation effective August 15, 1990. On October 15, 1990, the presiding ALJ issued an ID (Order No. 8) pursuant to Commission interim rule 210.50(a) dismissing Maple from the complaint and notice of investigation. Maple is an unincorporated subsidiary of respondent Tesma International, Inc. (TESMA).

No petitions for review of the ID or government agency comments were received.

Authority: This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Commission interim rule 210.53 (19 CFR 210.53).

Issued: November 20, 1990.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 90-27937 Filed 11-27-90; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 332-304]

Red Tart Cherries: Economic and Competitive Factors Affecting the U.S. Industry

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of a public hearing.

EFFECTIVE DATE: November 19, 1990.

SUMMARY: Following receipt on October 17, 1990, of a request from the Committee on Ways and Means, U.S. House of Representatives, the Commission instituted investigation No. 332-304, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of reporting on the economic and competitive conditions affecting the red tart cherry industry.

More specifically, the Committee has requested that the Commission should, to the extent possible, develop information pertinent to the red tart cherry industry in the United States, including, but not limited to, the following factors:

(1) The competitive factors affecting the domestic red tart cherry industry, competition from imports of red tart cherries and red tart cherry products;

(2) The effect that the European Community's restriction on imported red tart cherries and red tart cherry products has had, and may continue to have, on world trade of red tart cherries and red tart cherry products; and

(3) The extent to which unfair trade practices and barriers to trade by other competing countries are impeding the marketing abroad of domestically produced red tart cherries and red tart cherry products.

The Committee requested that the Commission submit its report not later than July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Stephen Burket (202-252-1318) (after 1/4/92—202-205-3318) or David Ingersoll (202-252-1309) (after 1/4/91—202-205-3309), Agriculture Division, Office of Industries, U.S. International Trade Commission. Hearing-impaired persons can obtain information on this study by contacting our TDD terminal on (202) 252-1810 (after 1/4/91—202-205-1810).

Public Hearing

A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on March 12, 1991, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. All persons have the right to appear by counsel or in person, to present information, and to be heard. Reqeusts to appear at the hearing should be filed in writing with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, not later than the close of business (5:15 p.m.) on February 26, 1991. The deadline for filing prehearing briefs (original and 14 copies) is March 5, 1991. The deadline for filing post hearing briefs is the close of business on March 26, 1991.

Written Submissions

Interested persons may submit written statements concerning the investigation. To be assured of consideration, written statements (original plus 14 copies) must be received by the close of business (5:15 p.m.) March 26, 1991. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform to the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Issued: November 21, 1990.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 90-27942 Filed 11-27-90; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-320]

Investigation

In the matter of Certain Rotary Printing Apparatus Using Heated Ink Composition, Components Thereof, and Systems Containing Said Apparatus and Components.

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1137.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 23, 1990, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Markem Corporation, 150 Congress Street, Keene, New Hampshire 03431. An amendment to the complaint was filed on November 14, 1990. The complaint, as amended, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rotary printing apparatus using heated ink composition, components thereof, and systems containing said appartus and components, by reason of alleged infringement of claims 1–4 and 6 of U.S. Letters Patent 4,559,872; and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., room 112, Washington, DC 20436, telephone 202–252–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–252–1572.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on November 20, 1990, *ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain rotary printing apparatus using heated ink composition, components thereof, and systems containing said apparatus and components, by reason of alleged infringement of claims 1, 2, 3, 4 or 6 of U.S. Letters Patent 4,559,872, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Markem Corporation, 150 Congress Street, Keene, New Hampshire 03431.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Dato Pack Europa, S.A., Sant Vicenc, 51, 08208-Sabadell, (Barcelona) Spain.
Franklin Manufacturing Corp., 692 Pleasant Street, Norwood, Massachusetts 02062.
Professional Sales Associates, Inc., 705 Rockland Road, Lake Bluff, Illinois 60044.
Dato Coding Systems, Inc., Oakland Commerce Center, 3221 N.W. 10th Terrace, suite 507, Ft. Lauderdale, Florida 33307.
Imaje, S.A., ZA De L'Armailler, B.P. 330, Bourg Les Valence, France 26503.

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 401Q, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules, 19 CFR 201.16(d) and 210.21(a), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to such respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: November 20, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-27939 Filed 11-27-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-290 (Modification Proceeding)]

Commission Decision To Provisionally Accept Complainants' Petition To Modify Commission Relief

In the matter of Certain Wire Electrical Discharge Machining Apparatus and Components Thereof.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined pursuant to 19 CFR 211.57 to provisionally accept Complainants' Emergency Petition for Modification of ITC Relief and to certify the petition to the Chief Administrative Law Judge for designation of a presiding administrative law judge (ALJ), who is to hold a hearing and issue, as expeditiously as practicable, a recommended determination in accordance with 19 CFR 211.57(b) concerning whether wire electrical discharge machining apparatus (wire EDMs) imported or sold with modified assemblies are being, or are likely to be, retrofitted with replacement nozzles of the design used in the prior assemblies, thereby putting into service wire EDMs imported or sold by respondents that utilize the prior, infringing assemblies. The RD is to include a recommendation from the presiding ALJ regarding whether the present remedial orders should be modified.

ADDRESSES: Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436; telephone: 202–252–1000.

FOR FURTHER INFORMATION CONTACT: Craig L. McKee, Esq., Office of the General Counsel, U.S. International

Trade Commission, 500 E Street SW., Washington, DC 20436; telephone 202–252–1117. Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202–252–1810.

SUPPLEMENTARY INFORMATION: On January 23, 1989, Elox Corporation (Elox) and A.G. fur Industrielle Elektronik (AGIE) filed a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging violation of section 337 in the importation and sale of certain wire EDMs that infringed U.S. Letters Patent 3,928,163 (the '163 patent) owned by AGIE. The Commission instituted an investigation of the complaint and issued a notice of investigation that was published in the **Federal Register** on March 8, 1989 (54 FR 9906). The respondents named in the notice of investigation were Sodick Co., Ltd., Sodick, Inc., KGK Co., KGK International Co., Maruka Machinery Co., Ltd., Maruka Machinery Corporation of America, Yamazen Co., Ltd., Yamazen USA, Inc., and Bridgeport Machines, Inc. The investigation was terminated with respect to Maruka Machinery Co., Ltd. and Maruka Machinery Corporation of America pursuant to a consent order and consent order agreement between complainants Elox and AGIE and respondents Maruka Japan and Maruka USA. The remaining respondents hereinafter are referred to as the Sodick respondents.

On December 7, 1989, the presiding ALJ issued an initial determination (ID) finding a violation of section 337 in the investigation. Specifically, she found that each respondent had infringed claims 1, 7, 9, 20, and 22 of the '163 patent, each of which claims she found to be valid and enforceable. She further found that it was "unnecessary to reach or discuss the question of whether any respondent also induced infringement by another or contributed to infringement of any other of the claims by another. If those issues were reached, it would be found that some respondents, by importing and selling replacement parts specially made for use with Sodick's wire EDM machine, contributed to infringement of at least one claim of the '637 [sic] patent." ID at 54.

The Sodick respondents filed a petition for review of the ID. Complainants Elox and AGIE and the Commission investigative attorney (IA) filed responses in opposition to the petition for review.

The Commission determined to review only those portions of the ID involving the issues of claim construction, anticipation, obviousness, infringement under the doctrine of equivalents, unenforceability for inequitable conduct, and domestic industry, and not to review the remainder of the ID. Complainants, respondents, and the IA filed briefs regarding the issues under review, remedy, the public interest, and bonding.

Upon review, the Commission concluded that there was a violation of section 337 in the importation, sale for importation, or sale in the United States of wire EDMs. The Commission affirmed the ALJ's determination on the issues of claim construction, anticipation, obviousness, infringement under the doctrine of equivalents, and unenforceability for inequitable conduct, and modified the ALJ's determination on the issue of domestic industry.

The Commission also determined that a limited exclusion order and cease and desist orders directed to four U.S. respondents were the appropriate form of relief. The limited exclusion order prohibited the entry of infringing wire EDMs, in assembled or unassembled form, manufactured by Sodick. The Commission further noted that the ALJ did not make determinations on the issues of contributory and induced infringement and, given complainants' failure to seek review of the final ID on those issues, it determined not to issue a limited exclusion order covering replacement parts—specifically, wire guides and guide nozzles. On May 8, 1990, the Commission's order became final at the expiration of the Presidential review period.

Complainants Elox and AGIE filed an emergency petition for modification of ITC relief on May 21, 1990, requesting modification of Commission relief to prevent respondents from circumventing the Commission's existing limited exclusion order and cease and desist orders. Specifically, complainants asserted that wire EDMs imported or sold with modified assemblies may be easily retrofitted with replacement nozzles of the design used in the prior assemblies, thereby putting into service Sodick wire EDMs with the prior, infringing assemblies. Complainants maintained that the availability of the Sodick wire EDMs with the modified wire guide and flushing assemblies constituted a changed circumstance under Commission interim rule 211.57(a). Consequently, complainants argued that supplementation of the existing remedial orders to prohibit importing, selling, or otherwise dealing in the prior nozzles and related components for the prior assemblies is warranted.

On May 9, 1990, Judge Milton I. Shadur of the U.S. District Court for the Northern District of Illinois issued a preliminary injunction effectively preventing circumvention of the Commission's remedial orders by the importation of wire EDMs incorporating the modified assemblies. On October 5, 1990, the preliminary injunction expired.

The Commission has determined to provisionally accept complainants' petition. The proceeding has been certified to the Chief ALJ for designation of a presiding ALJ. The presiding ALJ is to conduct adversary proceedings, as necessary, to take evidence, make findings of fact and conclusions of law, and issue, as expeditiously as practicable, an RD as to whether Sodick wire EDMs imported or sold with modified assemblies are being, or are likely to be, retrofitted with replacement nozzles of the design used in the prior assemblies, thereby putting into service Sodick wire EDMs with the prior, infringing assemblies.

Notice of the RD will be published in the **Federal Register**. The parties to the original investigation, interested members of the public, and other federal agencies will be permitted to file written comments on the RD within 10 days after publication of the notice.

After reviewing the RD, all information obtained in the modification proceeding, and pertinent information on the record of investigation No. 337–TA–290, the Commission will determine whether the exclusion order and/or the four cease and desist orders should be modified.

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in interim rule 211.57 (19 CFR § 211.57).

Written Submissions

In accordance with 19 CFR 211.57(b), the petition, the Commission's order instituting the modification proceeding, and this notice shall be served on each former party to the original investigation and, within thirty (30) days after service of the petition, any party served may file an answer to it.

Issued: November 16, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–27938 Filed 11–27–90; 8:45 a.m.]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: The Interstate Commerce Commission makes minor adjustments to its methodology for calculating the labor component of the index underlying the quarterly Rail Cost Adjustment Factor (RCAF) in order to incorporate three new forms of payment not previously included. The Commission is accepting comments from any interested party concerning the revised methodology.

DATES: Written comments are due on December 18, 1990.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 290 (Sub No. 2) to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354 or Leslie J. Selzer (202) 275–7627 (TDD for hearing impaired: (202) 275–1721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, (202) 289–4357/4359 (assistance for the hearing impaired is available through TDD services (202) 275–1721).

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10321 and 10707a. 5 U.S.C. 553.

Decided: November 16, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc 90–27928 Filed 11–27–90; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31785]

Exemption, St. Louis Southwestern Railway Co.—Trackage Rights Exemption—Missouri Pacific Railroad Co.

Missouri Pacific Railroad Company has agreed to grant overhead trackage rights to St. Louis Southwestern Railway Company over its line of railroad between Big Sandy, TX, and MP Jct, at or near Dallas, TX, a distance of approximately 95.3 miles. The trackage rights were to become effective on or after November 22, 1990.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John MacDonald Smith, St. Louis Southwestern Railway Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Dated: November 21, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–27927 Filed 11–27–90; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31770]

The Golden Cat Railroad Corp. (Delaware)—Acquisition and Operation Exemption—The Golden Cat Railroad Corp. (Illinois)

The Golden Cat Railroad Corporation (GCDE), a noncarrier Delaware corporation, has filed a notice of exemption to acquire and operate the "Delta Branch" line, now owned and operated by an Illinois corporation of the same name (GCIL). The line extends between milepost 149.5, at or near Delta, MO, and milepost 160.3, at or near Newman Spur, MO, a distance of approximately 10.8 miles.

GCDE will operate as a common carrier over the line. Cape County Development, Inc., doing business as The Jackson & Southern Railroad (JSR), will perform physical rail service for GCDE over the line on a nonexclusive basis as it has done for GCIL previously. JSR will not assume the status of a rail common carrier.

Any comments must be filed with the Commission and served on: Suzanne L. Saxman, D'Ancona & Pflaum, 30 North LaSalle Street, suite 2900, Chicago, IL 60602.

GCDE shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: November 7, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–27651 Filed 11–27–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 10 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 10, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 5th day of November 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/Workers/Firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Andrea Sportswear (workers)	Fall River, MA	11/05/90	10/20/90	25,019	Sportswear
Ansewn Shoe Co. (company)	Bangor, ME	11/05/90	10/25/90	25,020	Shoes.
Brooklyn Steel & Tube Corp. (workers)	Brooklyn, NY	11/05/90	10/20/90	25,021	Tubing.
Brush Fuses, Inc. (USWA)	Des Plaines, IL	11/05/90	10/26/90	25,022	Fuses.
Campbell Container Co. (workers)	Moorestown, NJ	11/05/90	10/11/90	25,023	Soup Cans
Chamberlain Corp. (workers)	Chicago, IL	11/05/90	10/21/90	25,024	Weapons.
Cluett Arrow Co. (workers)	Bremen, GA	11/05/90	09/21/90	25,025	Shirts.
Custom-Bilt Machinery (workers)	Chicago, IL	11/05/90	09/03/90	25,026	Rotary Trimmers
Cytemp Specialty Steel Div. (USWA)	Pittsburgh, PA	11/05/90	10/25/90	25,027	Steel.
Eagle Shirtmakers (ACTWU)	Mahanoy City, PA	11/05/90	09/21/90	25,028	Shirts.
Electri Cord (workers)	Westfield, PA	11/05/90	10/21/90	25,029	Power Cords.
G.A.F (workers)	Linden, NJ	11/05/90	10/19/90	25,030	Soap & Detergents.
Gary Co., Inc. (workers)	Gallatin, TN	11/05/90	10/24/90	25,031	Shirts.
Gen. Motors-Fisher Guide Div. (workers)	Trenton, NJ	11/05/90	10/23/90	25,032	Auto Parts.
Haynes & Shirley Drilling, Inc. (workers)	Electra, TX	11/05/90	10/12/90	25,033	Oil & Gas.
Heldor Industries (UTWA)	Morristown, NJ	11/05/90	10/22/90	25,034	Pool Liners.
Intl Shoe Machine Corp. (workers)	St. Charles, NO	11/05/90	10/16/90	25,035	Shoes.
Isotronics, Inc. (workers)	New Bedford, MA	11/05/90	10/12/90	25,036	Micro Packages.
Kop-Coat, Inc. (workers)	Newark, NJ	11/05/90	10/26/90	25,037	Paint Coatings.
Kubar Bearings (workers)	Troy, NY	11/05/90	10/23/90	25,038	Ball Bearings.
Lebanon Foundry & Machine Co. (USWA)	Lebanon, PA	11/05/90	10/25/90	25,039	Castings.
Level Line Inc. (workers)	Lakewood, NJ	11/05/90	10/20/90	25,040	Building Supplies.
Lewistown Specialty Yarns, Inc. (workers)	Lewistown, PA	11/05/90	10/18/90	25,041	Yarn.
Lucas Machine Div. (workers)	Boston, MA	11/05/90	10/26/90	25,042	Sportswear.
Ma-Zel Sportswear (ILGWU)	Boston, MA	11/05/90	10/26/90	25,043	Sportswear.
McClanahan Lumber, (workers)	Forks, WA	11/05/90	10/19/90	25,044	Lumber.
National Broach & Machine (USWA)	Mt. Clemens, MI	11/05/90	10/25/90	25,045	Machines.
NorVal, Inc. (ILA)	Philadelphia, PA	11/05/90	10/15/90	25,046	Cement.
Pantasote, Inc. (UTWAO)	Passaic, NJ	11/05/90	10/22/90	25,047	Plastic Packaging.
Quinault Shingle & Lumber Co. (workers)	Amanda Park, WA	11/05/90	10/22/90	25,048	Lumber.
R&J Janitorial Serv. (workers)	Salem, VA	11/05/90	10/23/90	25,049	Component Parts.
Ringling Mfg., (workers)	Ringling, OK	11/05/90	11/05/90	25,050	Apparel.
SESA Fluorspar, Inc. (workers)	Eagle Pass, TX	11/05/90	10/19/90	25,051	Fluorspar.
Shenango, Inc. (USWA)	Neville Island, PA	11/05/90	10/25/90	25,052	Ingot Moulds.
Simon-Horizon, Inc. (company)	Tyler, TX	11/05/90	10/24/90	25,053	Oil & Gas.
Simon-Horizon, Inc. (company)	Houston, TX	11/05/90	10/24/90	25,054	Oil & Gas.
Simon-Horizon, Inc. (company)	Midland, TX	11/05/90	10/24/90	25,055	Oil & Gas.
Simon-Horizon, Inc. (company)	Denver, CO	11/05/90	10/24/90	25,056	Oil & Gas.
Simon-Horizon, Inc. (company)	Oklahoma City, OK	11/05/90	10/24/90	25,057	Oil & Gas.
Simon-Horizon, Inc. (company)	Dallas, TX	11/05/90	10/24/90	25,058	Oil & Gas.
Simon-Horizon, Inc. (company)	Lubbock, TX	11/05/90	10/24/90	25,059	Oil & Gas.
Skagit Mfg (GMP)	Sedro Woolley, WA	11/05/90	10/26/90	25,060	Oil & Gas.
Valley Wood (workers)	Valley, WA	11/05/90	10/03/90	25,061	Lumber.

[FR Doc. 90-27913 Filed 11-27-90; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 10, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 10, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 13th day of November 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Art San (Workers)	Nepture, NJ	11/13/90	10/31/90	25,062	Swimwear.
Bunker Hill Mining Co. (U.S.) Inc. (Wkrs)	Kellogg, ID	11/13/90	10/31/90	25,063	Zinc Metal.
Campbell's Sportswear (Workers)	Woodburg, TN	11/13/90	10/31/90	25,064	Blouses.
Clarostat Mfg. Co., Inc. (Workers)	Richmond, ME	11/13/90	11/01/90	25,065	Components.
DataCard Corp. (Workers)	Minneapolis, MN	11/13/90	10/30/90	25,066	Data.
Enthone-OMI, (Workers)	Nutley, NJ	11/13/90	10/12/90	25,067	Metal.
Fairfield Jersey, Inc. (ILGWU)	Paterson, NJ	11/13/90	11/02/90	25,068	Fabrics.
Gates Mills, Inc. (Workers)	Johntown, NY	11/13/90	09/21/90	25,069	Gloves.
Inselman Drilling Fluids (Workers)	Ardmore, OK	11/13/90	10/30/90	25,070	Drilling Fluids.
Karg Brothers, Inc. (Workers)	Johnstown, NY	11/13/90	09/21/90	25,071	Cow Hides.
Kelmark, Inc. (ILGWU)	South River, NJ	11/13/90	10/31/90	25,072	Sportswear.
Lewis Bolt & Nut Co. (IUE)	Minneapolis, MN	11/13/90	11/01/90	25,073	Bolt and Nuts.
Made Well Dress, Co. (ILGWU)	Orange, NJ	11/13/90	11/01/90	25,074	Dresses.
National Semiconductor (Workers)	Puyallup, WA	11/13/90	10/24/90	25,075	Computers.
Orval Kent Food Co. (Workers)	Philadelphia, PA	11/13/90	10/28/90	25,076	Seafood.
Paterson Laundry & Dye Work (ILGWU)	Paterson, NJ	11/13/90	11/02/90	25,077	Fabrics.
Private Label Enterprises, Corp. (ILGWU)	Kearny, NJ	11/13/90	11/01/90	25,078	Jackets.
Qualitex Inc. (ACTWU)	Johnston, RI	11/13/90	10/30/90	25,079	Threads.
Standard Motor Products (Workers)	New York, NY	11/13/90	10/17/90	25,080	Auto Parts.
Texaco Prod., Inc. (Workers)	Skellytown, TX	11/13/90	11/05/90	25,081	Oil and Gas.
United Technologies Auto., Inc. (IAM)	Kenton, OH	11/13/90	10/26/90	25,082	Auto Coil and Wires.
V'Lora Swimwear, Inc. (ILGWU)	Bloomfield, NJ	11/13/90	11/01/90	25,083	Swimwear.
Whirlpool Corp. Marion Div. (Workers)	Marian, OH	11/13/90	10/27/90	25,084	Ovens and Dryers.
Wynwear Co (Workers)	Brooklyn, NY	11/13/90	11/03/90	25,085	Garments.

[FR Doc. 90-27914 Filed 11-27-90; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program: Certification Relating to Reduced Credits

Section 3302(c)(2) of the Federal Unemployment Tax Act (FUTA) provides for the repayment, through reduced credits, of outstanding balances of repayable advances made to States under Title XII of the Social Security Act. States that meet specific criteria under subsections (c), (f), or (g) of section 3302 may have the credit reduction limited or not applied. The certification to the Secretary of the Treasury of States subject to the credit reduction for 1990 and States that qualify for credit reduction relief is published below.

Dated: November 15, 1990.

Mary Ann Wyrsch,

Director, Unemployment Insurance Service.

November 13, 1990.

The Honorable Nicholas F. Brady,
Secretary of the Treasury, Washington, DC.

Dear Secretary Brady: This is to verify the States which have an outstanding balance of repayable advances under Title XII of the Social Security Act and to notify you of my determination as to the status of the States with regard to the reduction in credit provisions of section 3302(c)(2) of Federal Unemployment Tax Act (FUTA).

Pursuant to delegation of authority to me, I have determined that employers in one State are subject to a reduction in FUTA offset credit for taxable year 1990:

Michigan

Under certain conditions, subsection (f) of Section 3302 of the FUTA limits or caps the FUTA tax credit reduction in a year to an amount which does not exceed the greater of 0.6 percent of wages subject to FUTA or the percentage reduction that was in effect for the preceding taxable year. To qualify for a cap in taxable year 1990, the Secretary of Labor (or her delegate) must determine that a State has taken no action in the 12 months ending on September 30, 1990, unless required under State law in effect before August 13, 1981, which has resulted or will result in:

(1) a reduction in the State's unemployment tax effort, or

(2) a net decrease in the solvency of the State unemployment compensation system and, further, that:

(3) the State unemployment tax rate for the calendar year equals or exceeds the average benefit cost ratio for calendar year 1989, and

(4) the outstanding balance of advances to the State on September 30 of calendar year 1990 was not greater than the outstanding balance for such State on September 30, 1987.

Pursuant to delegation of authority to me, I have determined that under these criteria Michigan qualifies for the cap, but is not subject to reduced FUTA credits for 1990 because it also qualifies for avoidance of the offset credit reduction under subsection (g) of Section 3302 as noted below.

Subsection (g) of Section 3302 give a State the option of repaying on or before November 9 a portion of its outstanding loans each year through transfer of a specified amount from its account in the Unemployment Trust Fund (UTF) to the Federal Unemployment Account (FUA) in the UTF. The transfer to FUA would be in lieu of a reduced credit in the Federal tax paid by the employers in the State. The State must meet, as determined by the Secretary of Labor (or her delegate), the following criteria in order to avoid the offset credit reduction for 1990:

(1) make repayments to FUA during the one-year period ending on November 9, 1990, of an amount not less than the sum of all loans made to the State in the one-year period ending on such November 9, plus the potential additional taxes due by reason of the reduced credit applicable to taxable year 1990;

(2) have or will have sufficient funds remaining after such repayments to pay benefits for at least three months from November 1 of the same year without receiving another Title XII advance; and

(3) have taken action by amendment of the State law, after the date of the first advance is taken into account, to increase the net solvency of its UI system, and such net increase equals or exceeds the potential additional taxes for such taxable year.

Pursuant to delegation of authority to me, I have determined that Michigan qualifies under these criteria and thus its employers are not subject to reduced FUTA credits for 1990.

Finally, please note that the State of New Jersey was omitted from the October 31, 1990,

certifications required by sections 3304(c) and 3303(b), FUTA, for the "normal" and "additional" tax credits. This is because Section 3304(c) of the FUTA requires that the Secretary shall not certify a State if that State's law no longer contains the provisions specified in section 3304(a). An issue under Section 3304(a) currently exists with New Jersey. The omission of the State of New Jersey does not yet constitute a withholding of the certifications. The Secretary will notify you directly if New Jersey is certified or if the certifications are actually withheld.

Sincerely,

Mary Ann Wyrsch,

Director, Unemployment Insurance Service.

[FR Doc. 90-27915 Filed 11-27-90; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-90-169-C]

BethEnergy Mines, Inc.; Petition for Modification of Application of Mandatory Safety Standard

BethEnergy Mines, Inc., box 143 Eighty Four, Pennsylvania 15330 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its No. 84 Mine (I.D. No. 36-00958) located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that trolley wires and trolley feeder wires, high-voltage cables and transformers be kept at least 150 feet from pillar workings.

2. Petitioner operates permissible longwall face equipment with an a.c. power system limited to 1000 volts. In order to supply such power to a longwall system from a power system limited to 1000 volts, the following problems arise:

(a) The ampacity requirements at 1000 volts are such that very large and heavy cables are required. These large, heavy cables can cause congested work space, handling problems, which may present a hazard;

(b) Poor voltage regulation resulting in motor overheating and lack of torque to be supplied to the face conveyor; and

(c) At 1000 volts, the interrupting limits of the available circuit breakers are approached resulting in a diminished safety factor.

3. As an alternate method, petitioner proposes to use 4160 volt alternating current to operate the permissible face equipment with specific equipment and conditions as outlined in the petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 28, 1990. Copies of the petition are available for inspection at that address.

Dated: November 19, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-27916 Filed 11-27-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-165-C]

Cyprus Empire Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Cyprus Empire Coal Corporation, P.O. box 68, Craig, Colorado 81625 has filed a petition to modify the application of 30 CFR 75.800 (high voltage circuits; circuit breakers) to its Eagle No. 5 Mine (I.D. No. 05-01370) located in Moffat County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that high-voltage circuits entering the underground area of any coal mine be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained. Such breakers must be equipped with devices to provide protection against undervoltage grounded phase, short circuit, and overcurrent.

2. As an alternate method, petitioner proposes to use contactors to obtain the required protection.

3. In support of this request, petitioner states that only permanent belt drives and pumps will be affected by this petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 28, 1990. Copies of the petition are available for inspection at that address.

Dated: November 19, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-27917 Filed 11-27-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-167-C]

Valley Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Valley Coal Company, P.O. Box 86, Alverda, Pennsylvania 15710-0086 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Leonard Run Mine (I.D. No. 36-08089) located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that intake and return aircourses be separated from belt haulage entries, and that belt haulage entries not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to use air in the belt haulage entries to ventilate active working places.

(a) In support of this request, petitioner states that an early warning fire detection system would be installed with carbon monoxide (CO) sensors in all belt entries utilized as intake aircourses. The CO system would be capable of giving warning of a fire for four hours should the power fail;

(b) A visual alert signal would be activated when the CO level is 10 parts per million (ppm) above the ambient level and an audible signal would sound at 15 ppm above the ambient level. All persons would be withdrawn to a safe area at 10 ppm and evacuated at 15 ppm. The CO monitoring system would initiate the fire alarm signals at an attended surface location where there is two-way communication. This responsible person would notify the working sections and other personnel who may be endangered when the established alarm levels are reached.

(c) The CO monitoring system would be visually examined at least one each shift when the belts are in operation and tested for functional operation weekly to ensure the monitoring system is functioning properly. The CO sensors would be calibrated monthly with known concentrations of CO and air mixtures; and

(d) If at any time the CO monitoring system has been deenergized for reasons such as routine maintenance or failure of a sensor unit, the belt conveyor may continue to operate provided the affected portion of the belt conveyor entry would be continuously patrolled and monitored for CO by a qualified person using a hand-belt CO detecting device.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 28, 1990. Copies of the petition are available for inspection at that address.

Dated: November 19, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-27918 Filed 11-27-90; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

The Assistant Director for Education and Human Resources has determined that the establishment of Proposal Review Panel for Undergraduate Science, Engineering, and Mathematics Education (USEME) is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of committee: Proposal Review Panel for Undergraduate Science, Engineering, and Mathematics Education (USEME)

Purpose: To provide advice and recommendations on the merit of proposals or applications submitted to the USEME Program for financial support.

Balanced membership plan: Membership will be selected on an "as needed" basis in response to specific proposals/applications/sites to be reviewed. Members will be selected for their demonstrated scientific, engineering, and mathematics expertise so as to represent a reasonable balance of capability in the various subfields of the proposals to be reviewed. Consideration will also be given to achieving institutional and geographic balance, and to enhancing representation for women, minority, younger and disabled scientists.

Responsible NSF official: Dr. Robert Watson, Director, Division of Undergraduate Science Engineering Materials Education. National Science Foundation, room 636, 1800 G Street, NW., Washington, DC 20550 (202) 357-9644

Dated: November 21, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90-27867 Filed 11-27-90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from November 5, 1990 through November 15, 1990. The last biweekly notice was published on November 14, 1990 (55 FR 47564).

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 28, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is

available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director):** petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket No. STN 50-530 Palo Verde Nuclear Generating Station (PVNGS), Unit 3, Maricopa County, Arizona

Date of amendment request: November 14, 1990

Description of amendment request: The proposed amendment request would postpone the performance of certain 18 month Surveillance Requirements (SR) until the upcoming refueling outage for Unit 3 to avoid a plant shutdown. The affected Technical Specifications are SR 4.8.2.1.d and SR 4.8.4.1.a.2 regarding battery capacity and molded case circuit breakers, respectively.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility

in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

STANDARD 1 - Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed Technical Specification change does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

Station Batteries

The 125 volt batteries are subject to periodic surveillance testing to verify electrolyte level, specific gravity, cell voltage and general condition of the batteries. The capacity of all batteries was demonstrated to be greater than required during performance of the 18 month surveillance test of station batteries (32ST-9PK03) conducted during the 1989 refueling outage.

Battery	Min. Voltage Required	Min Voltage Required
3EPKAF11	109.79	112.2
3EPKBF12	109.98	115.38
3EPKCF13	108.69	117.9
3EPKDF14	108.39	116.1*

*Actual test voltage was 112.2 without cells 4 and 6. Subsequently, cells 4 and 6 have been replaced and credit to the battery is given for two cells at 1.95 vdc, the lowest value for any cell at the end of the discharge.

The capacity of the batteries is expected to increase through year 12, 60% of its life. Since these batteries are approximately seven years old, the capacity is projected to be greater during the 1991 tests than during the 1989 tests. Weekly and quarterly surveillance testing of the batteries provides assurance that the batteries are adequately maintained to perform their required function.

Molded Case Circuit Breakers

A review of the historical data on surveillance testing of "TED", "TJD", and "TEB", breakers was performed to assess past performance. These breakers are surveillance tested because they provide backup protection to the primary overcurrent device for containment penetrations. The reliability of these breakers has been established by successful completion of the "Molded Case Circuit Breaker Surveillance Test" (32ST-9ZZ74) in all units.

Breaker Type	Unit	Date
TED	1	09/14/89
TED	2	11/09/89
TED	3	04/28/89
TJD	1	03/06/90
TJD	2	04/10/90
TJD	3	04/28/89
TEB	1	01/30/89
TEB	2	07/21/89
TEB	3	04/04/89

The surveillance tests were performed during 1989 and 1990 with only one of the subject "TJD" breakers failing, no failures were recorded for the TED or TEB breakers during this period. The breaker failed to meet specifications during the test and was replaced. The replacement breaker was successfully tested. Because of the failure of the 10% representative sample, a second 10% surveillance test was generated and successfully performed.

Due to the loads being fed from Motor Control Circuit Breakers types TED, TJD, and TEB, they cannot be tested while the unit is on line.

Summary

Based on this evaluation and past surveillance testing of the circuit breakers and weekly and quarterly testing of the 125 volt batteries the proposed amendment will not involve a significant increase in the probability of an accident previously evaluated.

The 125 volt batteries are maintained in a fully charged condition and have sufficient stored energy to operate all necessary circuit breakers and to provide an adequate amount of energy for all required emergency loads for two hours after loss of AC power.

The subject breakers provide the backup protection for primary devices in a redundant scheme of two overcurrent devices in series. The primary overcurrent devices for the circuits with the "TED" breaker are 15 amp fuses. The primary overcurrent protection for the circuit with the "TJD" breaker is provided by a "TED" breaker, which has a 25 amp trip element. The "TED" and "TJD" provide the backup overcurrent protection with 250 amp trip elements. In a fault situation, the backup breakers would not react unless the primary device failed to clear the fault.

Therefore, the proposed amendment will not involve a significant increase in the consequences of an accident previously evaluated.

STANDARD 2 - Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Technical Specification change will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not alter the current design or operation of the facility. The change allows an extension of certain surveillance intervals to permit performance of surveillance requirements during the next refueling outage currently scheduled to being on March 16, 1991. The extensions beyond those allowed by Technical Specification 4.0.2.a will not constitute a significant increase over the original test interval as they would constitute an increase of less than 20% of the allowable surveillance interval. Since there are no changes in the way the facility is being operated, the potential for an unanalyzed accident is not created. No new failure modes are introduced by the proposed change. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

STANDARD 3 - Involve a significant reduction in a margin of safety.

The proposed Technical Specification change does not involve a significant reduction in a margin of safety. The proposed change to extend the time span for certain surveillance requirements to permit their performance during the next refueling outage (to begin in March 1991) will not constitute a significant increase (less than a 20% increase) beyond the allowable test interval.

The 125 volt batteries are subject to periodic surveillance testing to verify their general condition to ensure they are maintained in a fully charge condition and have sufficient stored energy to operate all necessary circuit breakers and to provide an adequate amount of energy for all required emergency loads for two hours after loss of AC power.

The subject breakers only provide the backup protection for primary devices in a redundant scheme of two overcurrent devices in series. In a fault situation, the backup breakers would not react unless the primary device failed to clear the fault. The past history on surveillance testing of the subject breakers establishes a good reliability of these circuit breakers and an extension of the testing interval would have little or no affect on the margin of safety.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Arthur C. Gehr, Esq., Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073

NRC Project Director: James E. Dyer, Acting

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: November 5, 1990

Description of amendment request: The proposed Technical Specifications (TS) changes are requested in response to the Nuclear Regulatory Commission's Generic Letter (GL) 88-17, "Loss of Decay Heat Removal," dated October

17, 1988. One of the actions requested in the GL was for licensees to identify any TS for their facility that would restrict or limit the safety benefits of the actions identified in the GL and to request appropriate TS changes. High flow in the Shutdown Cooling (SDC) system during reduced Reactor Coolant System (RCS) inventory could result in air ingestion into the RCS. The air in the RCS could lead to vortexing in the SDC system pumps; thus, resulting in damage or failure of the pumps and subsequent loss of decay heat removal capability.

The proposed changes to TS 3.9.8.1 for Units 1 and 2 will delete the flow rates currently specified for Mode 6 (Refueling) operation. The current flow requirement for Mode 6 operation is equal to or less than 3000 gpm, or equal to or less than 1500 gpm when the RCS is drained to a level below mid-plane of the hot leg. The current flow requirements are applicable for the above conditions regardless of the decay heat level of the core. The proposed deletion of the specified flow rates will allow operation at lower flow rates when the RCS is at intermediate inventory levels. The reduced flow rates will decrease the likelihood of air ingestion into the RCS resulting in SDC pump vortexing which could lead to pump failure and subsequent loss of the decay heat removal capability.

The licensee also proposes changes to the TS Bases 3/4.9.8 to support the deletion of the specified flow rates for SDC during Mode 6 operation. The Bases also indicate that shutdown cooling flow must provide sufficient heat removal to match core decay heat generation and maintain the core exit temperature within the Mode 6 limit.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92.

The licensee has evaluated the proposed amendment against the standards provided above and has supplied the following information:

[1]involve a significant increase in the probability or consequences of an accident previously evaluated;

Previously evaluated accidents which could be impacted by SDC flow changes include a (1) boron dilution event, and a (2) loss of coolant flow. Sufficient flow for mixing will continue to be provided and the assumptions and conclusions of the Boron Dilution Event analysis presented in the FSAR [Final Safety Analysis Report] [Section 14.3) will be preserved. Also, two SDC loops will continue to provide the level of protection previously established by the safety analysis when there is less than 23 feet of water above the core, thereby ensuring that a single failure of the operating SDC loop will not result in a complete loss of decay heat removal capability.

This change will allow a variable SDC flow to be established when the RCS is partially drained to prevent vortexing. The established flow will provide SDC System performance commensurate with its design functions of removing decay heat and maintaining RCS temperature [less than or equal to] 140° F in MODE 6. Further, this change will provide a net improvement in SDC System reliability by reducing the probability of common mode failure due to vortexing during partially drained RCS conditions. Therefore, this change will not increase the probability or the consequences of an accident previously evaluated.

[2]create the possibility of a new or different type of accident from any accident previously evaluated;

This change does not represent a significant change in the configuration or operation of the plant. Specifically, no new hardware is being added to the plant as part of the proposed change, no existing equipment is being modified, nor are any significantly different types of operations being introduced. Variable flow of SDC is currently allowed in MODE 5 and will be similarly controlled in MODE 6.

The SDC System will still be operated in the same manner as before with the exception that the LPSI [Low Pressure Safety Inspection] pump flow will be throttled to match decay heat removal requirements. The system will maintain the same capacity for decay heat removal as before. No new or different kinds of accidents than any previously evaluated are being created. This change will actually help prevent a possible common mode failure of both LPSI pumps caused by vortexing and air entrainment while at partially drained conditions.

[3]involve a significant reduction in a margin of safety.

This change will ensure that the margin of safety is maintained. The system configuration will remain the same, and it will be operated in a manner less likely to cause vortexing. The system's capability for decay heat removal and mixing will be maintained, as will system redundancy. Administrative control minimum flow in MODE 6 is consistent with the philosophy of control currently applied in MODE 5 and promoted in Generic Letter 88-17, Enclosure 2, Section 3.5.2. Therefore, the proposed change will not reduce the margin of safety associated with this system.

The staff has reviewed and agrees with the licensee's analysis of the significant hazards consideration determination. Based on the review and the above discussion, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick Maryland.

Attorney for licensee: Jay E. Silbert, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: July 11, 1990

Description of amendment request: The proposed amendment would modify the Palisades Plant Technical Specifications (TS) section 4.1.1.a.4 to change the testing requirements of the Pressurizer Power Operated Relief Valves (PORV) from ASME Section XI category C to category B.

Currently the Palisades PORV's are identified in the TS as ASME Section XI, subsection IWV, Category C valves. Based on a recent engineering evaluation, Consumers Power Company has determined that this designation is technically incorrect in that this ASME category designation applies to self actuating valves, such as relief or check valves, whereas the PORV's are actuated via an external signal. The correct designation for the PORV's is ASME Category B as defined in ASME Section XI, Subsection IWV, paragraph IWV-3413. The testing requirements for category B valves are defined in Table IWV-3700-1, "Inservice Testing Requirements".

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee provided an analysis that addressed the above three standards in the amendment application. Consumers Power Company has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the Palisades Plant in accordance with these changes would:

1. not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change affects only the required inservice testing schedule for the PORV's. Currently, both PORV's are tested at each refueling outage. The change in ASME category of the PORV's from C to B will result

in each PORV being stroke tested using the valve solenoid once each quarter if the Primary Coolant System (PCS) has been placed in cold shutdown and depressurized. In addition, each PORV and its actuating circuit will be tested during each refueling outage in accordance with Plant surveillance procedure requirements. This testing schedule is more conservative than currently required; thus, the probability or consequences of an accident previously evaluated are not increased.

2. not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change will affect only the testing schedule of the PORV's. The PORV's are part of the overpressure protection system for the PCS. The overpressure protection system is designed to protect against overpressure events such as the inadvertent initiation of high pressure safety injection, the starting of a charging pump, or an uncontrolled heatup of the PCS during shutdown cooling. Because testing of the PORV's and their associated circuitry will be done when the PCS is at cold shutdown and depressurized, the safety function of the overpressure protection system is not compromised. In addition, during the testing of the PORV's, alternate vent paths are available to the operator should it be necessary to prevent or relieve a PCS pressure buildup. The paths include the reactor head vent system, the pressurizer manway, or manual actuation of the PORV.

3. not involve a significant reduction in the margin of safety.

The margin of safety as defined in the basis statements for Plant Technical Specifications and the Palisades Updated Final Safety Analysis Report (UFSAR) will not be reduced. Testing of the PORV's and their associated circuitry will occur only with the PCS in cold shutdown and depressurized. Testing of the PORV's as Category B valves will be performed within the requirements of Technical Specification 3.1.8, "Overpressure Protection Systems" which establishes the minimum operability requirements for the overpressure protection system. In addition, testing of the PORV's each quarter and each refueling is more conservative than currently required.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; and does not involve a reduction in the required margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Robert Pierson.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: October 4, 1990

Description of amendment request: The proposed amendment would revise the Palisades Technical Specification 5.3.1, Design Features Primary Coolant System. Under the proposed change, this technical specification will be revised to reference the Primary Coolant System description contained in Final Safety Analysis Report (FSAR) Section 4.2, "Design Basis"; and, the references to specific codes and addenda that currently exist will be removed. Technical Specification 5.3.1 currently states that the Primary Coolant System shall be designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code, Section III, including all addenda through the Winter of 1965, and the ASA Code for Pressure Piping, B31.1. Under the proposed change, Technical Specification 5.3.1 will stipulate that the Primary Coolant System (PCS) is designed and maintained in accordance with the code requirements specified in Section 4.2 of the FSAR.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided an analysis that addressed the above three standards in the amendment application. Consumers Power Corporation has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the Palisades Plant in accordance with these changes would:

(1) not involve a significant increase in the probability or consequences of an accident previously evaluated. Assurance of PCS integrity has been provided in the Palisades design through the use of Codes during design, fabrication, construction, inspection, testing, and classification. The proposed change does not diverge from existing Code requirements. The change merely replaces the reference to specific Codes and addenda that is currently contained in Technical Specification 5.3.1 with a reference to the Codes and addenda listed in FSAR Section 4.2. Therefore, the probability or consequences of an accident have not been adversely affected.

(2) not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no changes to the accident analysis assumptions as a result of the requested change. The change merely replaces the reference to specific Codes and addenda that is currently contained in Technical Specifications 5.3.1 with a reference to the Codes and addenda listed in FSAR Section 4.2. The changes does not modify or alter existing Code requirements. Applicable Code requirements and design criteria will continue to be maintained in the FSAR following implementation of the proposed changes. As a result, a new or different kind of accident is not created by the proposed change.

(3) not involve a significant reduction in the margin of safety. The PCS safety margin is provided through adherence to design criteria (i.e. temperature, pressure, service life, cyclic loads, material properties, etc.), and is assured through the use of design specifications and Code. The proposed change does not diverge from existing Code requirements, it merely relocates the reference to specific Codes and addenda to the FSAR. The PCS margin of safety will be maintained following implementation of the proposed change through continued use of design specifications and applicable design Codes. Consequently, adequate operating margins have been assured and there is no significant decrease in the margin of safety.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; and, does not involve a reduction in the required margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Robert Pierson.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: May 18, 1990

Description of amendment request: The amendment revises the Technical Specification to allow extension of Fermi-2 full power operation beyond the normal end of cycle during the current operating cycle. The extension of the cycle will be achieved by reducing the final feedwater temperature and increasing the core flow.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided an analysis that addressed the above three standards in the amendment application.

(1) All proposed operation with increased core flow and reduced feedwater temperature during the cycle extension does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

a) The cause of the event and frequency of occurrences of the transient and accidents currently defined in the UFSAR have not been altered by the proposed cycle extension. In fact, the probability of occurrence of some of the events have been significantly reduced. Some examples are the Rod Withdrawal error and Rod Drop Accident as control rods are planned to be fully withdrawn during the cycle extension,

b) The sequence of events, systems required to mitigate the event and the required operator actions currently defined in the UFSAR have not been altered. The event responses for some events have changed. However, the Technical Specification operating limits ensure the consequences of the events are not increased, and

c) Core and System Performance of the limiting transients and accident currently defined in the UFSAR have been reanalyzed with NRC approved methodologies. The results of the analyses as described in Section 2.1 above have shown that the consequences of the limiting events have not been significantly increased. The Technical Specification changes proposed will ensure the consequences of these events are not increased.

(2) The proposed operation with increased core flow and reduced feedwater temperature during the cycle extension does not create the possibility of a new or different kind of accident from any accident previously evaluated because:

a) There is no change in the plant design required to operate in the proposed cycle extension mode, and

b) Increasing core flow involves normal plant operating practices and does not require a significant change in operating procedures. Planned feedwater temperature reduction involves the elimination or reduction (by diversion through bypass lines) of the extraction steam flow or feedwater flow of one or more feedwater heaters. These operations are the same as what may be undertaken for feedwater heater maintenance purposes which was considered in establishing the existing transient and accident analyses. Therefore, no new possible transient which could result from the methods of feedwater temperature reduction or increasing core flow are created.

(3) The proposed operation with increased core flow and reduced feedwater temperature during the cycle extension does not involve a significant reduction in safety margin because the proposed operating condition has been analyzed with NRC approved methodologies as described in Section 2.1 to show that no significant reduction in safety margin results. The results of the evaluation have shown that all safety criteria are met with the following modifications to the plant Technical Specification:

a) Modifications to the plant operating minimum critical power ratio (MCPR) limit ensure the transient response of the limiting anticipated operational occurrences will be above the MCPR safety limit of 1.07 thereby maintaining the current margin to safety during the short-term cycle 2 extension period,

b) An addition of the high flow clamp to the rod block monitor instrumentation ensures the response of any potential rod withdrawal error event initiated in the increased core flow condition will remain the same as that currently analyzed in cycle 2 to maintain the current margin.

c) The increase of high recirculation flow rod block setpoint continues to ensure the expanded operating domain for cycle 2 extension will be protected. Therefore, the margin to safety remains with this Technical Specification change, and

d) The increase of the motor generator scoop tube setpoints ensures the flow runout transient response will be above the 1.07 MPCR safety limit. Therefore, the margin to safety is maintained.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: Robert Pierson.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: October 9, 1990

Description of amendment request: The proposed change to Arkansas Nuclear One, Unit 2 (ANO-2) Technical Specification Table 3.6-1 deletes the exclusion of Type C leakage tests for containment isolation check valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application. The licensee stated that the changes do not involve a significant hazards consideration for the following reasons:

Criterion 1 - Does not involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

This change enhances the requirements for local leak rate testing and therefore does not involve a significant increase in the probability of an accident previously evaluated. By performing a Type C local leak rate test on the check valves, the consequences of an accident are reduced by assuring that these valves serve to limit radioactive releases to the atmosphere.

Criterion 2 - Does not create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The addition of the requirement to perform Type C local leak rate testing on the containment isolation check valves adds a previous requirement to the Technical Specifications. Therefore this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3 - Dose Not Involve a Significant Reduction in the Margin of Safety.

Adding the requirement to perform local leak rate testing on the containment penetration check valves ensures that the valves will function to reduce containment leakage and limit radioactive releases. This change therefore maintains the margin [of] safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists. The proposed amendment most closely [m]atches example (ii).

A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, e.g., a more stringent surveillance requirement.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with its conclusion. Therefore, the staff proposes to determine that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: October 9, 1990

Description of amendment request: The proposed amendment request would revise Arkansas Nuclear One, Unit No. 2 (ANO-2) Technical Specification 3/4.8.1, A.C. Sources, and the Bases for this specification. This change would reduce the rapid loading of the diesel generators and reduce the number of tests associated with the actions for inoperable equipment. Editorial changes and changes to improve reliability are also being proposed.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application. The licensee stated that the changes do not involve a significant hazards consideration for the following reasons:

Criterion 1 - Does Not Involve a Significant Increase in the probability or Consequences of an Accident Previously Evaluated.

The proposed change reduces the number of cold starts from ambient conditions and additional testing requirements. This will increase diesel generator reliability and therefore does not involve an increase in the probability or consequences of an accident previously evaluated.

The changes in the prerequisites for the hot restart test meet the intent of a diesel generator at normal operating temperature. The editorial changes involve no intent change. Providing a range for load requirements and annotating the test such that momentary variations do not invalidate the test will ensure that the test is performed as intended. Bypassing of diesel generator trips is dependent on [Safety Injection Actuation Signal] SIAS signal and not [Loss of Offsite Power] LOOP events. Therefore these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The proposed changes serve to improve the reliability of the diesel generators by reducing the frequency of cold starts from ambient conditions and additional testing beyond that required for demonstration of availability. This improvement in reliability does not create the possibility of a new or different kind of accident from any previously evaluated.

The changes in the prerequisites for the hot restart test meet the intent of a diesel generator at normal operating temperature. The editorial changes involve no intent change. Providing a range for load requirements and annotating the test such that momentary variations do not invalidate the test will ensure that the test is performed as intended. Bypassing of diesel generator trips is dependent on SIAS signal and not LOOP events. Therefore the possibility of a new or different kind of accident from any previously evaluated is not created.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

As this proposed change will increase the reliability of the diesel generators by reducing the stress and wear on these machines, the margin of safety will not be reduced. This change will increase the probability of proper response of the diesel generators to a loss of offsite power event.

The changes in the prerequisites for the hot restart test meet the intent of a diesel generator at normal operating temperature. The editorial changes involve no intent change. Providing a range for load requirements and annotating the test such that momentary variations do not invalidate the test will ensure that the test is performed as intended. Bypassing of diesel generator trips is dependent on SIAS signal and not LOOP events. Therefore no reduction in the margin of safety is incurred.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists. The proposed amendment most closely matches example (vii).

A change to conform a license to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with its conclusion. Therefore, the staff proposes to determine that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: October 17, 1990

Description of amendment request: The proposed change to Arkansas Nuclear One, Unit No. 2 (ANO-2) Technical Specification 3/4.7.8, Hydraulic Shock Suppressors (Snubbers) would allow the currently required visual inspection due between August 8, 1990, and February 6, 1991, to be delayed until the end of the 1991 Refueling Outage; in no case later than May 7, 1991.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application. The licensee stated that the

changes do not involve a significant hazards consideration for the following reasons:

Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed one-time change to the inaccessible snubber visual inspection will not significantly alter the level of snubber protection at ANO as the failure was due to an installation error not a service induced failure. Inspections were performed to verify that this is not a one of 403 snubbers. Therefore these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

Accidents which might be caused by the possible failure of one or more snubbers during the extended inspection interval are the same as those previously evaluated. Therefore the possibility of a new or different kind of accident from any previously evaluated is not created.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed change would not involve a significant reduction in the margin of safety since the one time change in the inspection interval will have no significant effect on the overall level of snubber protection for ANO-2.

The failure mechanism was isolated to the failed snubber.

Other inaccess[i]ble snubbers were examined for similar installation errors and found to be correctly installed. Therefore, the probability of a similar failure during the extension period is extremely remote.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists. The proposed amendment most closely matches example (vi)[:] A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan, e.g., a change resulting from the application of a small refinement of a previously used calculational model or design method.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with its conclusion. Therefore, the staff proposes to determine that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2 (ANO-1&2), Pope County, Arkansas

Date of amendment request: October 9, 1990

Description of amendment request: The proposed changes to Arkansas Nuclear One, Units Nos. 1 and 2 (ANO-1 and ANO-2) Technical Specification would delete specific references to staff positions and Plant Safety Committee (PSC) compositions in each units' Section 6.0, "Administrative Controls." Additionally, removal of the requirement for the PSC to review minor procedure changes that have no safety impact is being requested.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application. The licensee stated that the changes do not involve a significant hazards consideration for the following reasons:

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

The replacement of the [Plant Safety Committee] PSC composition requirements and changes to titles of certain senior management personnel are administrative in nature. The proposed change does not affect assumptions contained in plant safety analyses, the physical design or operation of the plant, nor are TS that preserve safety analysis assumptions affected.

The same level or expertise applied to the PSC review function will exist with the approval of the proposed change. There will be no loss in PSC effectiveness due to the proposed change. Therefore, there is no increase in the probability or consequences of previously analyzed accidents due to the proposed change.

Only those procedures with "intent" changes could effect the safety of the plant. These procedure changes will still require PSC review and therefore the probability or consequences of previously analyzed accidents will be unchanged.

2. This change would not create the possibility of new or different kind of accident from any previously evaluated.

The proposed changes are administrative. No physical alter[]ations of plant configuration or changes to setpoints or operating parameters are proposed. The level of position qualifications are not reduced in the TS. The same quality of PSC review is maintained and unaltered by this proposed change. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

3. This change would not involve a significant reduction in the margin of safety.

The proposed changes are administrative and does not relate to or modify the safety margins defined in and maintained by the Technical Specifications. The change does not alter ANO's commitment to maintain a management structure that contributes to the safe operation and maintenance of the plant. No position qualifications are being reduced in the Technical Specifications. The level and quality of PSC review is maintained since there will be no change in the collective talents on the PSC. The safety significant scope of independent review conducted by the PSC will be unchanged. Therefore, this proposed change will not involve a significant reduction in the margin of safety.

The NRC has provided guidance concerning examples of amendments which are not likely to involve significant hazards considerations. The proposed changes most closely resemble Example (i): A purely administrative change to TS: for example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with its conclusion. Therefore, the staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499 South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: September 5, 1990

Description of amendment request: The amendment would modify Technical Specification (TS) 4.0.2 to remove the provision that limits the combined time interval for three consecutive surveillances to less than 3.25 times the specified interval.

Guidance regarding this proposed TS change was provided to all power reactor licensees and applicants by Generic Letter 89-14, dated August 21, 1989. The proposed change would maintain the present maximum allowance of 25 percent for extending surveillance intervals.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application.

1. The proposed change does not involve a significant increase in probability or consequences of an accident previously evaluated because the proposed change does not involve a physical change or change the design or operation of a system or component at STPEGS.

The 3.25 limit of Technical Specification 4.0.2 was not used in the UFSAR for any Chapter 15 accident analysis. Therefore, removal of this limit from Technical Specification 4.0.2 cannot increase the probability or consequences of a previously evaluated accident.

Experience at STPEGS has shown that an extended surveillance interval will not impose a significant risk in terms of equipment reliability. Other periodic tests, walkdowns, and operational verifications provide another method of assuring continued operability. If a component or system does not pass a surveillance test, redundant and backup equipment is available to perform the safety function.

Therefore, the proposed change does not significantly increase the probability or consequences of a previously evaluated accident.

2. The proposed change does not create the possibility of a new or different accident from any accident previously evaluated. Surveillances performed at STPEGS must continue to use a maximum interval of the surveillance limit plus 25 percent of the limit. The 25 percent limit will ensure that the expected reliability of equipment is not significantly reduced beyond that obtained from the specified surveillance interval.

The design of STPEGS remains unchanged and no physical modification or alteration to the plant or operation of the plant occurs with the proposed change. The proposed change does not modify the surveillance interval. Therefore, the proposed change does not create the possibility of a new or different accident.

3. The proposed change will not involve a significant reduction in a margin of safety. Removal of the 3.25 limit has a positive effect of safety because a surveillance can be delayed when the plant is in an operational transient or when other surveillances be inoperable. This safety benefit outweighs any benefit derived by limiting any three consecutive surveillances to the 3.25 limit.

The NRC staff has reviewed the licensee's no significant hazards consideration determination. Based on the review, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Rooms Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: George F. Dick, Jr., Acting

Indiana Michigan Power Company, Docket No. 50-315, Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of amendment request: October 29, 1990

Description of amendment request: This amendment request would change Technical Specification (TS) 3.4.4.9, "Pressure/Temperature Limits," to limit the maximum heatup rate to 60° F/hr and to provide revised heatup and cooldown pressure-temperature (P-T) limit curves. The maximum heatup rate is currently limited to 100° F/hr. The low temperature overpressurization protection (LTOP) setpoint would also be revised to be 152° F from its current value of 170° F. These changes are to reflect the results of the Unit 1 reactor vessel Capsule U analysis, Westinghouse Report No. WCAP-12483 per the requirements of Regulatory Guide 1.99 Rev. 2.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

Criterion 1

Heatup and cooldown limit curves are calculated using the most limiting value of the reference nil-ductility temperature (RT_{NDT}) for the reactor vessel. Previously RT_{NDT} was dependent on the phosphorus and copper content. With the issuance of Regulatory Guide 1.99, Rev. 2, the phosphorus content no longer needs to be considered; instead, the nickel content must be considered when calculating the RT_{NDT}. Our reactor vessel Capsule U analysis (WCAP-12483) submitted in our letter AEP:NRC:0894M dated June 22, 1990, provided revised calculated RT_{NDT} values for both the base metal and the weld metal. Table 5-8 of WCAP-12483 shows, for the various surveillance materials, a comparison of the transition temperature (WRT_{NDT}) increases seen during the tests to the increases predicted using the methods of NRC Regulatory Guide 1.99, Rev. 2. This comparison shows that, for the plant B-4406-3 material (longitudinally), the transition temperature increase resulting from irradiation to 1.88×10^{19} n/cm^2 is 9° F greater than that predicted by the guide, which includes a 2 sigma allowance for the shift prediction of 34° F. For the weld metal, the transition temperature increase was 37° F less than that predicted by the guide. The actual value of the change in the transition temperature is, for the base metal, slightly above the value calculated using the regulatory guide and slightly below for the weld.

The LTOP system provides protection against exceeding the vessel ductility limits, as expressed by the pressure-temperature limits in 10 CFR 50, Appendix G, during cold shutdown, heatup and cooldown operations. As per Generic Letter 88-11, the implementation of Reg. Guide 1.99, Rev. 2 requires that the LTOP setpoints be re-evaluated. We have performed this re-evaluation and calculated the revised LTOP setpoint based on the plant-specific Westinghouse Owners Group methodology and the Unit 1 Capsule U analysis, WCAP-12483. The recalculated LTOP setpoint was determined to be 435 psig for the PORVs, with an enable temperature of 152° F.

Therefore, we have concluded that the above changes represent the application of a small refinement to a previously used calculation model or design methods, and should not result in a significant increase in the probability or consequences of an accident previously analyzed.

We have made one editorial change in this submittal. Specifically, on T/S page 3/4 4-25 we are requesting that the maximum heatup rate be changed to be consistent with the heatup rate specified on T/S page 3.4 4-27. This constitutes a purely administrative change to achieve consistency throughout the technical specifications, and therefore should not result in a significant increase in the probability or consequences of an accident previously analyzed.

Criterion 2

The proposed T/S changes concerning the heatup and cooldown curves and LTOP setpoint do not involve any physical modifications to the plant. The changes will involve changes to the plant's operation procedures; however, as noted in Criterion 1, the changes are based on the results of the reactor vessel Capsule U analysis, which followed the latest NRC guidance, Reg. Guide 1.99, Rev 2. Therefore, we have concluded that the above changes represent the application of a small refinement to a previously used calculation model or design method to conform to a revised NRC regulation and does not create the possibility of a new or different kind of accident from any previously analyzed or evaluated.

Criterion 3

The heatup and cooldown curves and the revised LTOP setpoint were developed based on the results of the reactor vessel Capsule U analysis (WCAP-12483) which was submitted in our letter AEP:NRC:0894M dated June 22, 1990. The new heatup and cooldown curves were also developed using the criterion noted in Reg. Guide 1.99, Rev. 2

As per the requirements of Generic Letter 88-11, the LTOP setpoints have been re-evaluated and revised as part of implementation of Reg. Guide 1.99 Rev. 2. The LTOP setpoints were revised based on the plant-specific Westinghouse Owners Group methodology and Capsule U analysis.

As noted in Criterion 1, there was a slight change in the NDT temperature of the base metal and the weld metal. However, both materials exhibited an average charpy upper shelf energy greater than 50 ft-lb at 32 EEPY at a fluence of 1.88×10^{19} n/cm.

Capsule U received a fluence of 1.88×10^{19} n/cm^2. The calculated cumulative fluence at the vessel inner surface is 1.41×10^{19} n/cm^2 at the end of 32 EFPY.

The staff has reviewed the licensee's no significant hazards analysis and concurs with the licensee's conclusions. Therefore, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert Pierson.

Indiana Michigan Power Company, Dockets Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Units Nos. 1 and 2, Berrien County, Michigan

Date of amendments request: December 12, 1989 as modified June 1, 1990 and October 26, 1990.

Description of amendments request: These proposed amendments modify the licensee's original submittal dated August 25, 1989 which was published in the **Federal Register** on November 15, 1989 (54 FR 47606). The changes made by the licensee are in response to staff comments on the original submittal.

The proposed amendments would revise Section 6.0 (Administrative Controls) of the TS to reflect changes to the responsibilities of the Plant Nuclear Safety Review Committee (PNSRC) and the Nuclear Safety and Design Review Committee (NSDRC). The amendments will reflect title changes and improve the overall consistency and clarity of the existing TS. TS 6.1.2 is being added which places an additional restriction on the Cook Nuclear Plants by requiring the Shift Supervisor or a designated individual during his absence to be responsible for the control room command function.

Proposed changes to TS 6.2.2.b and Table 6.2.1 are being made in order to comply with the requirements of 10 CFR 50.54(m). The proposed TS will require at least one licensed Senior Operator to be in the control room when the facility is in Modes 1, 2, 3 and 4, and will meet the minimum license operator staffing requirement that three Senior Operators be on site.

A footnote has been added to TS 6.2.2.c and 6.2.2.e. This change would allow up to two hours for the unexpected absence of an individual qualified in radiation protection procedures and the unexpected absence of the minimum composition of fire brigade members.

The proposed changes to TS 6.3.1, 6.4.1, 6.5.2.3, 6.5.2.9, 6.5.2.10.a, 6.5.2.10.b, and 6.5.2.10.c involve necessary title changes (e.g., "Plant Health Physics Supervisor" to "Plant Radiation Protection Manager").

The proposed changes to TS. 6.5.1.2, 6.5.1.3, 6.5.1.5 affect the qualifications, structure, and quorum of the PNSRC. The proposed change to TS 6.5.1.2 is to add the minimum qualifications that the PNSRC members and alternate members must meet. Members and alternate will meet or exceed the minimum qualifications of ANSI N18.1-1971, Section 4.4. This change would establish the PNSRC as a more independent advisory organization to the Plant Manager, instead of requiring the Plant Manager's direct involvement in the work activities of the NPSRC. This change requires that TS 6.5.1.3 be revised since the PNSRC Chairman would no longer appoint the alternate members. Proposed changes to TS 6.5.1.5 clarify the requirements for a quorum of the PNSRC.

The proposed changes to TS 6.5.1.6.a, b and c clarify the subject areas that the PNSRC will review. Specifically, the PNSRC will only perform reviews of subjects that could affect plant nuclear safety or involve an unreviewed safety question.

The proposed change to TS 6.5.1.7.c will require the Vice President Nuclear Operations to be notified, in addition to the NSDRC, of any disagreements between the PNSRC and the Plant Manager.

A proposed change to TS 6.5.2.8.h, i, and j (TS 6.5.2.8.g and h on the proposed revised pages) clarifies the NSDRS audit requirements on fire protection.

The proposed TS 6.5.3, "Technical Review and Control," has been added to the administrative controls section to ensure that activities affecting nuclear safety will continue to be adequately controlled and that technical reviews will be performed once these activities are removed from the PNSRC responsibilities.

Proposed changes to TS 6.6.1 and TS 6.7.1 clarify the action to be taken for reportable events and the proposed change to Specification 6.8.2 specifies that temporary changes shall be reviewed prior to implementation.

An additional requirement to include documentation of all challenges to the PORV's is proposed to be added to the monthly reactor operating report (TS 6.9.1.10).

The proposed amendment would also make some minor editorial changes that do not change intent or meaning of the TS.

Basis for proposed no significant hazards consideration determination: According to 10 CFR 50.92, a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated,
2. create the possibility of a new or different kind of accident from any accident previously evaluated, or
3. involve a significant reduction in a margin of safety

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

Criterion 1

The changes requested in this letter affect only the Administrative Controls section of the TS. We believe the revised Administrative Controls will enhance the safe operation of the Cook Nuclear Plants.

Therefore, we believe these changes will not involve a significant increase in the probability or consequences of a previously evaluated accident.

Criterion 2

These changes are purely administrative in nature. Plant systems, components, and operation will not be altered by these changes. Therefore, we believe this change will not create the possibility of a new or

different kind of accident than has previously been evaluated.

Criterion 3

Since these changes are administrative in nature, they will not impact the ability of the plant systems and components to perform their safety function. Therefore, we believe these changes will not involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the determination of significant hazards consideration by providing certain examples (48 FR 14869) of amendments considered not likely to involve a significant hazards consideration. The first example is that of a purely administrative change to the TS: for example, a change to achieve consistency throughout the TS; correction of an error; or a change in nomenclature. We believe that the changes requested in this letter are of the type specified in this example. Since these changes are administrative in nature, they do not reduce a margin of safety, do not increase the probability or consequences of a previously evaluated, and do not introduce the possibility or a new accident.

Therefore, we believe these changes do not involve a significant hazards consideration as defined by 10 CFR 50.92.

The staff has reviewed the licensee's no significant hazards consideration analyses and concurs with their conclusions. As such, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert Pierson.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: October 15, 1990

Description of amendment request: The proposed amendment would change Technical Specification 3.22, Feedwater Trip System, by adding an Exception that specifically addresses operation of the auxiliary feedwater system during plant startup and shutdown.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee addressed the above three standards in the amendment application. In regard to the three standards, the licensee provided the following analysis:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment is administrative in nature. It makes no change in existing plant equipment, equipment configuration or procedures. The licensee has evaluated the consequences of continued emergency/auxiliary feedwater flow to a steam generator that has experienced steam line break while in hot standby. This evaluation concluded that the associated cooldown of the primary system will not cause a return to power. Further, containment overpressure will not occur because there would be an insufficient amount of feedwater delivered to the faulted steam generator.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the emergency/auxiliary feedwater system uses existing piping and valves. The proposed change merely provides specific recognition to a normal plant operating configuration used below 2% reactor power.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety.

As discussed above, operation of the emergency/auxiliary feedwater system in the manner proposed does not change any safety margin.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on this review, the staff believes that the licensee has adequately justified their proposed change to the plant Technical Specifications. The staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578

Attorney for licensee: John A. Ritsher, Esquire, Ropes and Gray, 255 Franklin Street, Boston, Massachusetts 02110

NRC Acting Project Director: Curtis J. Cowgill, III

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York

Date of amendment request: April 2, 1990

Description of amendment request: The proposed amendment would delete the present Specification 3.5.F.1 because it is redundant to Specifications 3.5.A and 3.5.B. Specification 3.5.F.1 states that "Any combination of inoperable components in the Core and Containment Cooling Systems shall not defeat the capability of the remaining operable components to fulfill the core and containment cooling functions." Specifications 3.5.A and 3.5.B describe the Limiting Conditions for Operation (LCOs) for the Core and Containment Cooling Systems which, in conjunction with the definition of "operable" in Specification 1.0.J, are designed to ensure that inoperable components do not defeat the capability of the Core and Containment Cooling (ECC) Systems to fulfill their function. The proposed amendment, therefore, eliminates this duplication.

In addition, the proposed amendment would amplify Specifications 3.5.F to specify new LCOs and add surveillance requirements regarding the minimum ECC System availability with the reactor in the cold condition. The new LCOs are similar to the requirements in the Standard Technical Specifications and would require that: (1) at least two low pressure ECC Subsystems be operable whenever irradiated fuel is in the reactor, the reactor is in the cold condition, and work is being performed which has the potential for draining the reactor vessel; (2) at least one of the low pressure ECC Subsystems be operable whenever irradiated fuel is in the reactor, the reactor is in the cold condition, and no work is being performed with the potential for draining the reactor vessel; (3) the ECC Subsystems are not required to be operable provided that the reactor vessel head is removed, the cavity is flooded, the spent fuel pool gates are removed, and spent fuel pool water level is in accordance with Specification 3.10.C; and (4) if these requirements cannot be satisfied, core alterations and all operations with the potential for draining the reactor vessel be suspended, and at least one subsystem be restored to operable status within 4 hours or Secondary Containment integrity be established in 8 hours.

The proposed new surveillance requirements for the cold condition would be added as Specification 4.5.F

and would: (1) specify the operability test requirements for the low pressure core cooling pumps which would conducted every three months; (2) require a monthly test of the motor operated valves; (3) require verification once per shift that the suppression pool water level is greater than or equal to 10.33 ft. whenever the ECC Subsystem pumps are aligned to the suppression pool; and (4) require verification once per shift that a minimum of 324 inches of water is available in the Condensate Storage Tanks whenever the Core Spray System pump(s) is aligned to them.

A proposed change to Specification 3.7.A.1 (Containment Systems) would delete the cross-reference to Specification 3.5.F.2 and add a phrase which would indicate that the suppression chamber volume and temperature requirements are applicable when the reactor is critical or whenever the reactor coolant temperature is greater than 212° F and irradiated fuel is in the reactor vessel.

Corresponding changes to the Bases Sections 3.5.F, 4.5 and 3.7 and to the Table of Contents have also been included in the proposed amendment.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92.

The licensee has evaluated the proposed amendment against the standards provided above and has supplied the following information:

Operation of the James A. FitzPatrick Nuclear Power Plant in accordance with the proposed amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to Specification 3.5.F.1 deletes a duplicate requirement for ECC System operability. This proposed change does not involve modification of any existing equipment, systems, or components; nor does it relax any administrative controls or limitations imposed on existing plant equipment. The proposed change does not impact previously evaluated accidents; nor does it affect safe plant operation.

The proposed changes which introduce new specifications for ECC System availability in the cold condition constitute an additional limitation beyond what is presently in the technical specifications. The new specifications require that two low pressure ECC Subsystems be operable whenever irradiated fuel is in the reactor, the reactor is in the cold condition, and the potential exists for draining the reactor vessel; thus ensuring the availability of adequate coolant inventory makeup in case of an inadvertent draindown of the reactor vessel. Therefore, the proposed change does not increase the probability or consequences of a previously evaluated accident.

The proposed change to Specification 3.7.A.1 eliminates a cross-reference and substitutes the actual requirements. Therefore, there is no actual change to the specification and no change to the potential or consequences of an accident previously evaluated.

2.Create the possibility of a new or different kind of accident from those previously evaluated. The proposed change to Specification 3.5.F.1 and 3.7.A.1 do not result in a change in the actual requirements. In addition; the proposed changes to 3.5.F and 4.5.F more clearly define the requirements for ECC System operability and ECC System availability and testing when in the cold condition. The proposed changes do not involve modification to any of the plant's systems, equipment, or components; nor do they introduce any new failure modes. The proposed changes are consistent with current plant operating practices and do not allow plant operation in any unanalyzed configuration. Therefore, the possibility of a new or different kind of accident is not created.

3.Involve a significant reduction in the margin of safety. The proposed change to Specification 3.5.F.1 deletes a duplicate requirement for ECC System operability. The existing limiting conditions for operability (Sections 3.5.A and 3.5.B) and associated surveillance requirements (Sections 4.5.A and 4.5.B) already reflect the operability requirements during plant operation and are unchanged by this proposed amendment. Therefore, there is no reduction in the margin of safety.

The proposed additions to Specifications 3.5.F and 4.5.F introduce new specifications for ECC System availability and testing requirements in the cold condition which provide a slight increase in the margin of safety. These new specifications, which also reflect current plant practices, formally prohibit operation with the potential for draining the reactor vessel when coolant inventory makeup is not available. The changes do not involve any plant modifications, nor do they affect the FSAR analysis regarding the emergency core cooling systems. The proposed change to Specification 3.7.A.1 will clarify the requirement but results in no technical change. Therefore, there is no reduction in the margin of safety associated with these changes.

The staff has reviewed and agrees with the licensee's analysis of the significant hazards consideration determination. Based on the review and the above discussion, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: October 12, 1990

Description of amendment request: The proposed amendment would change the Ginna Technical Specifications by eliminating the steam flow/feed flow mismatch reactor trip once the new digital feedwater control system has been installed replacing the existing analog system.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee addressed the above three standards in the amendment application. In regard to the three standards, the licensee provided the following analysis:

The existing analog steam generator (SG) feedwater control system at the Ginna plant will be replaced by a new digital feedwater control system identical to the design and software currently in operation at the Prairie Island Nuclear Power Plant, Units 1 and 2, operated by Northern States Power Company.

The new digital system utilizes three SG narrow range level signals (as opposed to one in the existing analog system) and are processed by the new system computer

referred to as the median signal selector (MSS). The MSS negates faulty level signals that have failed thereby demonstrating a superior means of feedwater flow control over the existing analog system. The MSS also eliminates the need for the steam flow/feed flow mismatch reactor trip in that a failed instrument channel will not cause control system action which may initiate a plant transient that requires protective action. The MSS together with three steam generator narrow range level protection channels provide compliance with the IEEE Std. 279-1971 control and protection interaction criteria.

The accident analyses for steam generator low level protection continues to be satisfied through the steam generator low-low level reactor trip, and no requirement for the steam flow/feed flow mismatch reactor trip is necessary.

Consequently, the elimination of this reactor trip does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) alter the safety function of the feedwater control system which results in a significant reduction in any safety limits associated with the feedwater control system.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based upon this review, the staff agrees with the licensee's analysis.

Based upon the above discussion, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Attorney for licensee: Nicholas S. Reynolds, Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Acting Project Director: Curtis J. Cowgill, III

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: August 31, 1990, and supplemented November 1, 1990.

Description of amendment request: Proposed Change No. 151, submitted by Amendment Application No. 188, proposes to revise Technical Specification (TS) Section 3.3, "Safety Injection and Containment Spray Systems," Section 3.5.5, "Containment Isolation Instrumentation," and Section 4.2, "Safety Injection and Containment Spray System." The licensee has proposed this change to improve the existing Technical Specifications by making the specifications more complete, using the Westinghouse Standard Technical Specifications (STS) for the format and basis to the degree practical. The licensee's proposed revision to the Technical Specifications were noticed previously in the Federal Register on October 3, 1990 (55 FR 40476). By letter dated November 1, 1990, the licensee supplemented its amendment application to revise the proposed action statement related to the component cooling water (CCW) system. The licensee's original amendment application dated August 31, 1990, proposed an action statement that would allow one of the two CCW heat exchangers to be out of service for up to 31 days. Based on the results of a probabilistic risk assessment that the licensee recently completed, the licensee now believes that a seven day action statement would be more appropriate. Therefore, the licensee has revised its previous submittal with regard to Specification 3.3.7, "Component Cooling Water System," to request a seven day action statement.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has provided the following no significant hazard consideration determination in accordance with 10 CFR 50.91(a):

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No

This revision to PCN-151 incorporates a seven day action statement time limit for removal from service of a Component Cooling Water (CCW) heat exchanger. The existing Technical Specifications do not provide a specific action statement applicable to the CCW heat exchangers. The Standard Technical Specifications for Westinghouse plants generally provide a 72 hour action statement time limit, during which time single failure assumptions are relaxed. Amendment Application No. 188, Proposed Change No. 151, provided STS action statements to reduce the need to apply the provisions of Technical Specification 3.0.3. Both heat exchangers are on a common CCW header, and only one is required to support the CCW cooling load. The alignment for operation with a single CCW heat exchanger is described in the proposed Technical Specification. The alignment assures the CCW outlet valve is de-energized in the open position and therefore, is not subject to inadvertent closure. The STS 72 hour action statement permits an exemption from single failure. The extension of the 72 hour action statement to seven days is not considered to significantly increase the probability or consequences of an accident, since the single active component, the CCW heat exchanger outlet valve, will be de-energized in the open position.

A Probabilistic Risk Assessment (PRA) was performed to evaluate the significance of increasing the action statement time limit by determining the increase in the risk or core damage. The PRA evaluated those accidents which are relevant to a loss of CCW due to a failure of a single operating heat exchanger while the other heat exchanger is removed from service. The initiating events consider a loss of CCW, small break LOCAs, large [break] LOCAs and [less than] 3/8> diameter RCS leakage. The results of the PRA study indicated the increase in the risk of core damage was about 0.7%. This would represent a small portion of the total risk of core damage, and therefore it has been concluded that the incorporation of a seven day action statement for the CCW heat exchanger does not cause a significant increase in the probability of an accident, or the consequences of an accident.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The incorporation of a seven day action statement time limit for the CCW heat exchangers will not introduce new factors into the operation of SONGS 1 which could cause a new type of accident. The CCW system will be aligned to a single heat exchanger during the time the action statement time limit is in effect. The alignment required by the proposed specification assures that the heat exchanger removed from service is properly isolated in accordance with established operating procedures, and therefore does not introduce a new or different alignment of equipment which has not been previously evaluated.

The PRA was performed to evaluate the significance of the extension of the action statement time limit, and considered the affect on risk of core damage due to a loss of the CCW system during the time period one heat exchanger would be isolated. The significant events which depend upon the operation of the CCW system were considered in this analysis. The most significant effect of the change would be the small increase in risk (about 0.7%) due to a loss of CCW. This result was based on the evaluation of events which depend on the operation of the CCW system. Therefore, the incorporation of a seven day action

statement time limit has been evaluated for the relevant accident scenarios and does not create the possibility of a new accident.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

The PRA evaluated the significance in the increase in the risk of core damage due to the incorporation of a seven day action statement time limit for the CCW heat exchangers. It was determined that the total contribution to the total risk of core damage was approximately 0.7%. This is not considered significant, as it represents an increase of about 1.4E-6/year over the risk for the STS 72 hour action statement time limit. Additionally, the CCW heat exchanger in service will be aligned with the CCW outlet valve de-energized open to prevent an inadvertent loss of CCW. Therefore we have concluded that the margin of safety is not significantly reduced by the proposed change.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and, based on that review, it appears that the three criteria are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: James E. Dyer, Acting

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: November 7, 1990

Description of amendment request: Proposed Change No. (PCN) 234, submitted by Amendment Application No. 190, requests a schedule extension for completing actions associated with Item Nos. 5 and 18 of the Cycle 11 full term operating license (FTOL) projects. NRC order dated January 2, 1990, confirmed the licensee's schedules for completing FTOL projects during the Cycle 11 and Cycle 12 outages, and modified Operating License No. DPR-13 for San Onofre Nuclear Generating Station, Unit No. 1, accordingly. This action was noticed in the Federal Register on January 11, 1990 (55 FR 1113). The existing schedule for completing Cycle 11 FTOL projects, Item No. 5, "RHR Overpressure Protection," indicates that the licensee will propose a change to the Technical Specification (TS) requirements related to this item prior to starting the Cycle 11 outage. PCN-234 requests an extension of this schedule to allow the licensee to submit the proposed TS change prior to plant restart from the Cycle 11 outage. The existing schedule for completing Cycle 11 FTOL projects, Item No. 18, "Containment Venting," indicates that the licensee will implement revised TS requirements applicable to this item prior to plant restart from the Cycle 11 outage. PCN-234 requests an extension of this schedule since it is not likely that the NRC will complete its review and issue the requested TS change for Item No. 18 in time to support licensee implementation prior to Cycle 11 operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has provided the following no significant hazards consideration determination as required by 10 CFR 50.91(a):

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

Item 5, OMS

The current schedule for NRC approval of the Overpressure Mitigating System (OMS) related technical specifications, as stated in item 5 of Attachment 1 to the NRC Order, is prior to the Cycle 11 refueling outage. SCE has committed to submit the amendment application to revise OMS related technical specifications to the NRC prior to restart from the Cycle 11 refueling outage. This proposed change extends the schedule for Item 5 to allow reasonable time for NRC review and approval of the OMS related changes.

The proposed schedular extension of the OMS technical specification changes does not impact the operation of the OMS, because currently implemented administrative controls ensure that the OMS will function as required. Therefore, the operation of the facility in accordance with this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Item 18, Containment Venting

Amendment Application No. 170 and its Supplement address the following subjects:

- Limiting of the opening angle for the containment ventilation isolation valves.
- Leakage limits for penetrations subject to Local Leak Rate Testing (LLRT) at intervals of less than two years.
- Reduction of the containment personnel airlock test pressure from 10 psig to 3 psig.
- Limiting Conditions for Operation (LCOs) for the containment personnel airlock.
- LCOs to limit the amount of time the containment ventilation isolation valves are open during Modes 1, 2, 3 and 4.

The limitation on the opening angle for the containment ventilation isolation valves has been accomplished by installing devices on the valve which physically limit their opening angle. The revision to the Technical Specifications proposed by Amendment Application No. 170 will update the Technical Specifications to note that the valves have limiting devices.

The leakage limits for penetrations subject to an LLRT at intervals of less than two years, which are proposed by Amendment Application No. 170, will improve the Technical Specifications. These penetrations are used relatively infrequently. By imposing more stringent leakage limits on these specific penetrations, degradation will be detected and corrected more quickly. The existing Technical Specifications limit the combined overall leakage of all penetrations subject to Type B testing and all containment isolation valves subject to Type C testing. This provision includes the penetrations in Amendment Application No. 170. The changes proposed by Amendment Application No. 170 will not affect the existing combined overall leakage limits. Because the overall leakage rate will not be affected by Amendment Application No. 170, operation of the plant without Amendment Application No. 170 implemented will not create any additional hazards. The existing combined leakage limitation will control leakage to within acceptable, previously analyzed limits.

Amendment Application No. 170 also proposes a reduction in the containment airlock test pressure from 10 psig, which is currently in the technical specifications, to 3 psig. The test pressure in the existing technical specification is higher, and therefore inherently more conservative, than that proposed by Amendment Application No. 170.

The limiting conditions for operation regarding the containment personnel airlock which are proposed by Amendment Application No. 170 provide limited time to allow repairs to be made to avoid unnecessary plant shutdowns. Presently, if excessive leakage is detected through the airlock, plant shutdown is initiated without allowing for a repair period.

The final change proposed by Amendment Application No. 170 will incorporate LCOs which limit the amount of time the containment ventilation isolation valves can be open during power operation. Opening of these valves during power operation is presently being limited through

administrative controls. The administrative controls limit operation in the same manner as that proposed in Amendment Application No. 170. The administrative controls will remain in effect until Amendment Application No. 170 is approved.

For the reasons stated in the discussions above, for each of the changes proposed by Amendment Application No. 170, operation of the facility in accordance with this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

Item 5, OMS

The administrative controls currently implemented ensure that the OMS will provide adequate overpressure protection for the RCS and the RHR system. OMS related technical specification changes, once approved, will replace the administrative controls, and there will be no impact on the function of OMS. The schedular extension, discussed in item 1 above, has no impact on the operation of OMS. The current administrative controls ensure that OMS will continue to perform its safety functions.

Item 18, Containment Venting

This proposed change reschedules approval of Amendment Application No. 170 to allow the plant to restart from the Cycle 11 refueling outage without Amendment Application No. 170 implemented. As discussed in the response to Question 1 above, each of the changes proposed by Amendment Application No. 170 is being conservatively controlled either through existing Technical Specifications or existing administrative controls.

Therefore, operation of the facility in accordance with this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

Item 5, OMS

As stated above, the proposed schedular extension of Item 5 of Attachment 1 to the NRC Order has no impact on the ability of OMS to perform its safety function, because the administrative controls currently implemented ensure satisfactory overpressure protection for both the RCS and the RHR system.

Item 18, Containment Venting

This proposed change will reschedule approval and implementation of Amendment Application No. 170 until after Cycle 11. As discussed in the response to Question 1, each of the changes proposed by Amendment Application No. 170 is currently being addressed in a conservative manner either by the existing technical specifications or by administrative controls.

Therefore, operation of the facility in accordance with this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and it appears that the three criteria have been met. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: James E. Dyer, Acting

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: November 8, 1990

Description of amendment requests: The proposed change revises Technical Specification (TS) 3/4.7.1.1, "Safety Valves"; TS Table 3.7-1, "Steam Line Safety Valves Per Loop"; TS Table 3.7-2, "Maximum Allowable Linear Power Level-High Trip Setpoint With Inoperable Steam Line Safety Valves During Operation With Both Steam Generators"; and the corresponding Bases section. The proposed changes are needed to delete ambiguity, clarify the main steam safety valve design requirements, and correct typographical and numerical errors.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability o consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

RESPONSE: No.

The proposed change to Table 3.7-2, "Maximum Allowable Linear Power Level-High Trip Setpoint With Inoperable Steam Line Safety Valves During Operation With Both Steam Generators," slightly decreases the current reduced allowable values. The proposed change reflects a recent amendment to the Allowable Value of the Linear Power Level-High Trip in Table 2.2-1, "Reactor Instrumentation Trip Setpoints Limits." The proposed Bases changes are editorial in nature and do not alter any accident analyses assumptions. The proposed changes to the LCO and Action Statements of TS 3/4.7.1.1, "Safety Valves," and to Table 3.7-1, "Steam Line Safety Valves per Loop," are also editorial revisions required for consistency with the proposed Bases. Therefore, operation of the facility in accordance with this proposed change does not constitute an increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

RESPONSE: No.

The proposed change will slightly reduce the allowable values in Table 3.7-2. The change does not involve any plant modifications or a change in plant operation. The proposed changes to TS 3/4.7.1.1, Table 3.7-1, and the Bases are editorial in nature and do not entail a plant modification or a change in plant operation. Therefore, the proposed change does not create the possibility of a new of different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

RESPONSE: No.

The proposed change corrects the values of Table 3.7-2. These corrections further decrease the reduced allowable values when main steam safety valves are inoperable. The proposed changes to TS 3/4.7.1.1, Table 3.7-1, and the Bases are editorial in nature, and do not affect the plant's margin of safety. Therefore, the proposed change does not involve any reduction in a margin of safety.

The NRC staff has reviewed the licensee's no significant hazards determination and agrees with the licensee's analysis. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: James E. Dyer, Acting

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: September 7, 1990

Description of amendment request: The proposed amendment would revise Technical Specification 3.1.3.2 and associated Bases to add an Action Statement covering situations where more than one digital rod position indicator (DRPI) per bank is inoperable. This new Action Statement would avoid unnecessary plant shutdowns per Technical Specification 3.0.3, yet would be consistent with the overall protection afforded by related specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of no significant hazards considerations using the Commission's standards.

The proposed change does not involve a significant hazards consideration because operation of Callaway Plant with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The potential for the new Action Statement to impact the safety analyses of the plant lies only in the area of operator-exacerbated reactivity events due to a loss of RCCA position indication. RCCA events such as:

(a) One or more dropped RCCAs within the same group (FSAR Section 15.4.3)

(b) Dropped RCCA bank (FSAR Section 15.4.3)

(c) RCCA ejection (FSAR Section 15.4.8)

are not impacted since the new Action Statement does not involve a design change that would affect the probability of these events occurring nor their consequences. As such, the events of interest are:

(i) Uncontrolled RCCA bank withdrawal from a subcritical or low power startup condition (FSAR Section 15.4.1)

(ii) Uncontrolled RCCA bank withdrawal at power (FSAR Section 15.4.2)

(iii) Statically misaligned RCCA (FSAR Section 15.4.3)

(iv) Withdrawal of a single RCCA (FSAR Section 15.4.3)

The first two events are Condition II transients that have been analyzed using a positive reactivity insertion rate that is greater than that for the simultaneous withdrawal of the two control banks having the maximum combined worth at maximum speed. Whether these events are caused by a failure in the rod control system or by operator error has no effect on the positive reactivity insertion rate assumed in these analyses. The protection systems assumed in the analysis of these events (power range neutron flux-high and low settings and OT-Delta T) are unaffected since this amendment does not involve a design change. Therefore, the new Action Statement would have no effect on the analysis of these events and the DNBR design basis would still be met.

The most severe misalignment situations with respect to DNB arise from cases in which one RCCA is fully inserted, or where bank D is fully inserted to its insertion limits with one RCCA fully withdrawn. For these cases, as discussed in FSAR Section 15.4.3, the DNBR remains above the safety analysis limit values. The new Action Statement proposed herein does not alter these results.

The compensatory actions associated with this new Action Statement, placing the control rods under manual control and limiting rod motion, address concerns associated with automatic rod motion due to the rod control system and with inadvertent operator contribution to these events.

The worst case event of the above, the withdrawal of a single RCCA, is a Condition III event. It has been analyzed in FSAR Section 15.4.3 assuming that the operators ignore RCCA position indication or that multiple rod control system failures occur. No single electrical or mechanical failure in the rod control system could cause the accidental withdrawal of a single RCCA from a partially inserted bank at full power operation. The operator could deliberately withdraw a single RCCA in the control bank; this feature is necessary in order to retrieve a rod, should one be accidentally dropped. This new Action Statement does not change the plant design; therefore, there would be no change in the probability of this event being induced by unlikely, simultaneous electrical failures (see further discussion in FSAR Section 7.7.2.2). Further, whether indication is lost, as is the case covered by this new Action Statement, or disregarded does not change the method of analysis or the outcome of this event.

(2) Create the possibility of a new or different kind of accident from any previously evaluated. This is based on the fact that no design changes are involved. The new Action Statement provides sufficient time for troubleshooting while avoiding unnecessary plant shutdowns per Technical Specification 3.0.3. The compensatory actions require that rod position be inferred from flux maps, that RCS temperature be monitored and recorded, and that rod position changes be limited to the extent possible via other reactivity control mechanisms such as boration and dilution. The new Action Statement is consistent with the overall protection afforded by related Specifications. For example, Action Statements 3.1.3.1.c and 3.1.3.1.d, which are associated with known control rod misalignments, rod control urgent failure alarms, or other electrical problems, do not invoke compensatory measures as restrictive as 3.0.3. In fact, Action Statement 3.1.3.1.d allows operation with one or more inoperable rods (due to rod control urgent failure alarm or other electrical problem in the rod control system) for up to 72 hours. The situation addressed in this amendment application is one in which indication is lost, with compensatory actions taken during the 24 hour allowed outage time (AOT); however, there are no known misalignments or rod control operability concerns.

(3) Involve a significant reduction in a margin of safety. The proposed change will not result in a decrease in the minimum DNBR given in Bases Section 2.1.1 and reported in the FSAR. Bases Section 3/4.1.3 states that the Specifications of this section ensure that:

(a) acceptable power distribution limits are maintained,

(b) the minimum SHUTDOWN MARGIN is maintained, and

(c) the potential effects of rod misalignment on associated accident analyses are limited.

The compensatory actions require that rod position be determined indirectly via the movable incore flux detectors and that RCS temperature be monitored and recorded. This addresses a) and b) above. Also, rod control is placed in manual and rod motion is limited. This addresses c) above. Asymmetric power distributions can also be detected by the excore neutron flux detectors and core exit thermocouples.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; and does not involve a reduction in the required margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: October 11, 1990, as supplemented October 12, 1990

Description of amendment requests: The proposed amendments would add specific exceptions to the qualification requirements of ANS-3.1 (12/79 Draft), which is cited in Technical Specification 6.1.B. ANS-3.1 (12/79 Draft) establishes the requirements of the plant staff, and requires that the individual fulfilling the function of the "Operations Manager" hold a current Senior Reactor Operator (SRO) license.

In the past, the licensee designated the Superintendent - Operations as the equivalent position for the Operations Manager in the staffing organization, and therefore required that position to be filled by a person holding an SRO license. However, requiring the Superintendent - Operations to maintain an SRO license makes it difficult for that individual to perform certain management functions. Therefore, to relieve the Superintendent - Operations of this burden and yet still satisfy the requirement for an Operations Manager, the licensee proposes to create a position, directly subordinate to the Superintendent - Operations, that has cognizance over the plant operating shifts. This position would be designated as the Supervisor - Shift Operations, and the individual holding this position would be required to maintain a current and active SRO license.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee has determined that the proposed changes will not involve a significant hazards consideration as follows:

(1) The changes to Technical Specification 6.1.B will not result in a significant increase in the probability or consequences of an accident previously evaluated. These changes only redesignate the staff organization position of the individual which is assigned to perform the "Operations Manager's" functions as described in ANS-3.1 (12/79 Draft) without changing the required levels of training and qualification for that individual. The responsibility and authority of the "Operations Manager" will remain as the individual immediately superior to the operating shift supervisors. The changes will not have any [e]ffect on the operation of the plant or any plant components or equipment.

(2) The changes to Technical Specification 6.1.B will not create the possibility of a new or different kind of accident. These changes only redesignate the staff organization position of the individual which is assigned to perform the "Operations Manager's" functions as described in ANS-3.1 (12/79 Draft) without changing the required levels of training and qualification for that individual. The responsibility and authority of the "Operations Manager" will remain as the individual immediately superior to the operating shift supervisors. The changes will not have any [e]ffect on the operation of the plant or any plant component or equipment.

(3) The changes to Technical Specification 6.1.B will not result in a significant reduction in the margins of safety. These changes only redesignate the staff organization position of the individual which is assigned to perform the "Operations Manager's" functions as described in ANS-3.1 (12/79 Draft) without changing the required levels of training and qualification for that individual. The responsibility and authority of the "Operations Manager" will remain as the individual immediately superior to the operating shift supervisors. The changes will not have any [e]ffect on the operation of the plant or any plant components or equipment.

Therefore, pursuant to 10 CFR 50.92, based on the above consideration[s], it has been determined that these changes will not involve a significant hazards consideration.

The staff has reviewed the licensee's no significant hazards determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Previously Published Notices of Consideration of Issuance of Amendments to Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Public Service Company of New Hampshire, Docket No. 50-443, Seabrook Station, Unit 1, Rockingham County, New Hampshire

Date of amendment request: October 19, 1990

Brief description of amendment request: This amendment revises Technical Specification Surveillance Requirements 4.8.2.1d, 4.8.2.1e, and 4.8.2.1f by deleting the phrase "during shutdown" from these Surveillance Requirements. The design of vital DC systems at Seabrook Station incorporate two 100% capacity battery banks in each train. Technical Specification 3.8.3.2, DC Sources - operating currently allows one battery bank to be inoperable for up to 30 days. Removing one of the battery banks from service while at power does not degrade the system capabilities to a level less than that currently allowed by this Technical Specification. Additionally, in accordance with Technical Specification requirements, the alternate battery and charger in the same train and both battery banks and chargers in the opposite train will be OPERABLE during the performance of this testing.

Date of publication of individual notice in **Federal Register:** November 5, 1990 (55 FR 46593)

Expiration date of individual notice: December 5, 1990.

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260, and 50-296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: May 18, 1990, revised October 30, 1990 (TS 280)

Brief Description of amendment request: This proposed amendment will: (1) revise Table 3.2.B and Limiting Conditions for Operation 3.5.B.11, 3.5.E.1, 3.5.F.1, 3.5.G.1, 3.6.D.1 and the bases section for 3.6.D/4.6.D to clarify equipment operability requirements when the reactor is in the cold shutdown condition, (2) revise the maximum operating power level allowed with an inoperable RPT system(s) from 85 percent to 30 percent power, and (3) correct two typographical errors in Table 3.2.B.

Date of publication of individual notice in **Federal Register:** November 15, 1990

Expiration date of individual notice: December 15, 1990

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Notice of Issuance of Amendment to Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: August 9, 1990

Brief description of amendment: The changes make minor corrections and improvements to Pilgrim's Administrative technical specifications consistent with current Standard Technical Specifications.

Date of issuance: November 5, 1990

Effective date: November 5, 1990

Amendment No.: 132

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 3, 1990 (55 FR 40457) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 5, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Commonwealth Edison Company, Docket Nos. 50-254, Quad Cities Nuclear Power Station, Unit 1, Rock Island County, Illinois

Date of application for amendment: August 31, 1990

Brief description of amendment: Revision of Technical Specifications to change the safety limit Minimum Critical Power Ratio (MCPR) from 1.07 to 1.06 to accommodate the use of GE 8x8NB fuel.

Date of issuance: November 6, 1990

Effective date: November 6, 1990

Amendment No.: 127

Facility Operating License No. DPR-29: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 3, 1990 (55 FR 40464) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 6, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: March 26, 1990

Brief description of amendment: This amendment revised License Condition (9) of the license, and would remove fire protection Technical Specifications 3/4.3.7.9, 3/4.7.7.1 through 3/4.7.7.6, 3/4.7.8 and 6.2.2.e and the corresponding Section 3/4 Bases and revise Technical Specifications 6.2.2.6 and 6.5.1.6

Date of issuance: November 14, 1990

Effective date: November 14, 1990

Amendment No.: 62

Facility Operating License No. NPF-43. The amendment revises the Operating License and the Technical Specifications

Date of initial notice in **Federal Register:** September 5, 1990 (55 FR 36339)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 14, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: May 31, 1988, as supplemented April 26, June 5 and August 1, 1990

Brief description of amendments: The amendments incorporate limits on allowable primary-to-secondary leakage, delete a requirement that an assessment be made as to whether operations may safely continue for leak rates less than the limit, and delete a redundant reporting requirement.

Date of issuance: November 13, 1990

Effective date: November 13, 1990

Amendment Nos.: 185, 185, 182

Facility Operating License Nos. DPR-38, DPR-47 and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 5, 1990 (55 FR 36340) The Commission's related evaluation of the amendments is

contained in a Safety Evaluation dated November 13, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Duquesne Light Company, Docket No. 50-412, Beaver Valley Power Station, Unit No. 2, Shippingport, Pennsylvania

Date of application for amendment: June 21, 1990

Brief description of amendment: The amendment modifies the Appendix A Technical Specifications (TSs) relating to Containment Isolation Valves (CIVs). Specifically, the amendment modifies Table 3.6-1, Containment Penetrations, to specify a maximum stroke time of 60 seconds vice 10 seconds for valves 2CHS-AOV200A, B, and C associated with penetration No. 28.

Date of issuance: November 13, 1990

Effective date: November 13, 1990

Amendment No.: 35

Facility Operating License No. NPF-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 17, 1990 (55 FR 38176) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 13, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: May 22, 1990

Brief description of amendment: The amendment modified TS 3.1.2.10 to allow the use of high pressure injection for emergency RCS makeup during decay heat removal operations, as recommended by Generic Letter 88-17.

Date of issuance: November 1, 1990

Effective date: November 1, 1990

Amendment No.: 138

Facility Operating License No. DPR-51. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 11, 1990 (55 FR 28475) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 1, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: August 22, 1989, as supplemented July 5, 1990

Brief description of amendment: The amendment changed the allowable minimum setpoint value on the Pressurizer Code Safety Valves as specified in Technical Specification (TS) 3.4.2 and 3.4.3 from 1% to 3%. It also changed the minimum setpoint value for the Main Steam Line Code Safety Valves from 1% to 3% as specified in TS Table 3.7-5. Under these TS revisions, if the setpoint for either type of safety valve was found outside a 271% tolerance band, the setpoint would be adjusted to within 271% of the lift setting specified in the TS.

Date of issuance: November 1, 1990

Effective date: 30 days after the date of issuance

Amendment No.: 110

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 4, 1989 (54 FR 40923) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 1, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: February 16, 1990, as revised May 31, 1990, and June 22, 1990.

Brief description of amendment: The amendment extends the date for installing a neutron flux monitor for improved accident monitoring from the fourth refueling outage (October 1990) to the fifth refueling outage (April 1992).

Date of issuance: November 7, 1990

Effective date: November 7, 1990

Amendment No: 72

Facility Operating License No. NPF-29. Amendment revises the Operating License.

Date of initial notice in **Federal Register:** July 25, 1990 (55 FR 30295)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 7, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: June 8, 1990, as revised August 15, 1990.

Brief description of amendment: The amendment revises the TS and Bases to reflect the Advance Nuclear Fuels Corporation 8x8 and 9x9-5 fuel used in the fuel Cycle 5 Reload.

Date of issuance: November 15, 1990

Effective date: November 15, 1990

Amendment No: 73

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 1990 (55 FR 30297) The licensee's revised application did not significantly alter the action previously noticed or affect the description of the action published in the initial notice. The Commission's related evaluation of the amendment is contained in an Environmental Assessment dated October 2, 1990 (55 FR 40428), and a Safety Evaluation dated November 15, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: March 9, 1990, as supplemented September 24, 1990

Brief description of amendment: This amendment provides greater operational flexibility at lower power by expanding the Axial Shape Index (ASI) limits for the Departure from Nucleate Boiling (DNB) and Local Power Density (LPD) Limiting Conditions for Operation (LCOs) and the LPD Limiting Safety System Setpoints (LSSS) (Technical Specification Figure 2.2-2), the LPD LCO

(Technical Specification Figure 3.2-2), and the DNB LCO (Technical Specification Figure 3.2-4).

Date of Issuance: November 9, 1990

Effective Date: November 9, 1990

Amendment No.: 106

Facility Operating License No. DPR-67: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 4, 1990 (55 FR 12591) The September 24, 1990 letter provided supplemental information which did not alter the staff's initial determination of no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 9, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003.

GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, (TMI-2), Dauphin County, Pennsylvania

Date of application for amendment: June 30, 1989, revised January 22 and August 31, 1990

Brief description of amendment: The amendment modifies Appendix A Technical Specifications revising the administrative requirements associated with periodic audits of the unit's activities.

Date of Issuance: November 6, 1990

Effective date: November 6, 1990

Amendment No.: 39

Facility Operating License No. DPR-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 8, 1990 (55 FR 32327)

The August 31, 1990 submittal provided additional clarifying information and did not change our initial no significant hazards consideration determination. The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated November 6, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: December 18, 1989, as supplemented July 30, 1990.

Brief description of amendments: The amendments change the Appendix A Technical Specifications by deleting the organizational titles from the requirements for membership on the Plant Operations Review Committee and the Nuclear Safety Review Board. Instead, the composition of the two committees is defined in terms of qualification for membership.

Date of issuance: November 14, 1990

Effective date: November 14, 1990

Amendment Nos.: 20 and 10

Facility Operating License Nos. NPF-76 and NPF-80. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 4, 1990 (55 FR 12594) and October 3, 1990 (55 FR 40467). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 14, 1990.

No significant hazards consideration comments received: No.

Local Public Document Rooms Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of application for amendment: December 21, 1988

Description of amendment request: The amendment added a note to Technical Specification 3/4.4.1.3 to specify that the recirculation loop flow is the summation of the flows from all of the jet pumps associated with a single recirculation loop.

Date of issuance: November 8, 1990

Effective date: November 8, 1990

Amendment No.: 54

Facility Operating License No. NPF-62. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 3, 1990 (55 FR 40467) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: The Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendment: May 29, 1990 and October 19, 1990

Brief description of amendment: The amendments revised the Technical Specifications in accordance with the guidance specified in NRC Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications in the Administrative Controls of Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or to the Process Control Program."

Date of issuance: November 13, 1990

Effective date: January 2, 1991

Amendment Nos.: 48 and 11

Facility Operating License Nos. NPF-39 and NPF-85. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 27, 1990 (55 FR 26291) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 13, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: September 19, 1990

Brief description of amendment: The amendment revises the Technical Specifications to remove Containment Isolation Valves UH-37 and UH-38 from Tables 3.6-1 and Table 4.4-1 (page 5 of 7).

Date of issuance: November 8, 1990

Effective date: November 8, 1990

Amendment No.: 105

Facility Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 3, 1990 (55 FR 40472) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: December 24, 1987, and supplemented by letters dated February 26, 1990, June 20, 1990, June 28, 1990 and September 19, 1990.

Brief description of amendments: These amendments changed Turbine Overspeed Protection surveillance requirements and the associated bases via revision of the Salem Unit No. 2 Technical Specifications (TSs) and added similar technical specifications to the Salem Unit No. 1 TSs. Salem Unit 1 previously had no technical specifications addressing turbine overspeed protection. The amendments changed the surveillance test frequency of the turbine stop valves, control valves, hot-reheat stop valves, and hot-reheat intercept valves. Instead of having a specific turbine valve test frequency, the licensee will use a turbine valve testing frequency determined by the methodology presented in Westinghouse Topical Report WCAP-11525, "Probabilistic Evaluation of the Reduction in the Turbine Valve Test Frequency," that meets the established NRC acceptance criteria for the probability of a missile ejection incident of less that 1.0 X 10 per year.

The June 20, 1990, June 28, 1990, and September 19, 1990 supplemental letters did not increase the scope of the original amendment request and did not affect the staff's original no significant hazards determination.

Date of issuance: November 13, 1990

Effective date: Units 1 and 2 are effective as of the date of issuance to be implemented within 60 days of the date of issuance.

Amendment Nos. 115 and 97.

Facility Operating License Nos. DPR-70 and DPR-75: These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 4, 1990 (55 FR 12599) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 13, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: June 5, 1990, as supplemented by letters dated September 26 and September 28, 1990.

Brief description of amendment: The amendment deletes License Condition 3.L and incorporates its requirements in the Technical Specifications.

Date of issuance: November 8, 1990

Effective date: This license amendment is effective the date of issuance and must be fully implemented no later than 30 days from date of issuance.

Amendment No.: 136

Provisional Operating License No. DPR-13: The amendment deleted License Condition 3.L and revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 27, 1990 (55 FR 26293) The supplementary information submitted by letters dated September 26 and September 28, 1990, provided information to facilitate the preparation and coordination of replacement pages for the Technical Specifications and, therefore, did not alter the action that was originally proposed and noticed in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: June 11, 1990

Brief description of amendment: The amendment revises Technical Specification 4.0.2 to remove the 3.25 limit for extending three consecutive surveillance intervals. This revision is in accordance with the guidance provided by Generic Letter 89-14, "Line Item Improvements in Technical Specifications - Removal of the 3.25 Limit on Extending Surveillance Intervals."

Date of issuance: November 8, 1990

Effective date: November 8, 1990

Amendment No.: 137

Provisional Operating License No. DPR-13: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 1990 (55 FR 30312) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

TU Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit 1, Somervell County, Texas

Date of amendment request: May 18, 1990, as supplemented by letter dated July 9, 1990

Brief description of amendment: The amendment changes the setpoints in Tables 2.2-1 and 3.3-3 to permit the use of an analog panel front-installed meter for calibration of High and Low setpoints for power range neutron flux meters and corrects a bias in the steam generator water level Low-Low and High-High setpoints.

Date of Issuance: November 6, 1990

Effective date: November 6, 1990

Amendment No.: 2

Facility Operating License No. NPF-87. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 8, 1990 (55 FR 32332) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 6, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendments: May 18, 1990 (TS 242)

Brief description of amendments: The amendments revise Browns Ferry Technical Specification requirements for the Residual Heat Removal Service Water (RHRSW) and Emergency Equipment Cooling Water (EECW) systems.

Date of issuance: November 5, 1990

Effective date: November 5, 1990

Amendment Nos.: 176, 179, and 147

Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68: Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** July 11, 1990 (55 FR 28482)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 5, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2 Hamilton County, Tennessee

Date of applications for amendments: January 24, April 25, May 15, and October 2, 1990 (TS 89-27)

Brief description of amendment: This amendment modified the Sequoyah Nuclear Plant, Unit 2, Technical Specifications (TSs). The changes revise the definition section; the Specifications 2.2.1, 3/4.3.1.1, and 3/4.3.2.1; and the associated bases for the revised specifications to reflect reactor protection system (RPS) upgrades and enhancements which were implemented on Unit 2 during the current Unit 2 Cycle 4 refueling outage.

The specific TSs which were revised are the following: (1) add definition 1.6.c and an acronym for Rated Thermal Power; (2) add or revise parameters in Tables 2.2-1, 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-5, 4.3-1, and 4.3-2; (3) add footnotes or action statements in Tables 3.3-1, 3.3-3, and 3.3-5; and (4) delete outdated footnotes and unused action statements in Tables 3.3-3, 3.3-4, 4.3-1 and 4.3-2. These changes reflect rack drift allowables for the Eagle-21 digital process protection system; the incorporation of the environmental allowance modifier, the trip time delay feature, and the median signal selector; the removal of the resistance temperature detector bypass manifolds; the addition of a new steamline break protection logic; the implementation of engineered safety features actuation system enhancements; and the deletion of out-of-date footnotes and unused action statements. The basis for this amendment is discussed in the enclosed Safety Evaluation.

The proposed changes for the Unit 1 TSs were approved in Amendment 141 for Unit 1 in the staff's letter dated May 16, 1990.

Date of issuance: October 31, 1990

Effective date: October 31, 1990

Amendment No.: 132

Facility Operating Licenses No. DPR-79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 21, 1990 (55 FR 6119)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 31, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: May 4, 1990 and October 2, 1990 (TS 90-13)

Brief description of amendments: The amendments modify Section 3/4.5.1, Accumulators, of the Sequoyah Nuclear Plant, Units 1 and 2, Technical Specifications (TSs). The changes revise the requirements in TS 3/4.5.1.1, Cold Leg Injection Accumulators, (1) to delete Action Statements "c" and "d" and the associated footnote and (2) to modify Surveillance Requirement (SR) 4.5.1.1.2 by adding a footnote to allow one level and one pressure channel to be inoperable and maintain cold leg accumulator operability. The staff requested the licensee to withdraw its application to delete the prescriptive statement in SR 4.5.1.1.1.a.1 as to how to verify accumulator level and pressure.

Date of issuance: November 2, 1990

Effective date: November 2, 1990

Amendment Nos.: 147 and 133

Facility Operating Licenses Nos. DPR-77 and DPR-79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 13, 1990 (55 FR 24005) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 2, 1990.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: May 16, 1990, as supplemented August 31, 1990

Brief description of amendments: The amendments delete the operability requirement for one pressurizer safety valve in Mode 5 (cold shutdown). The requirement to have one pressurizer safety valve operable in Mode 4 (hot shutdown) remains unchanged.

Date of issuance: November 01, 1990

Effective date: November 01, 1990

Amendment Nos.: 141, 124

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 19, 1990 (55 FR 38607) The August 31, 1990 letter provided supplemental information which did not alter the staff's initial determination of no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 01, 1990.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Dated at Rockville, Maryland, this 20th day of November 1990.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation

[Doc. 90-27791 Filed 11-27-90; 8:45 am]

BILLING CODE 7590-01-D

OFFICE OF PERSONNEL MANAGEMENT

Request for Expedited Review of OPM 2809, OPM 2809-EZ-1,2, and DPRS 2809 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Expedited notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the Expedited Review by OMB for a revised clearance of an information collection, OMB Form 2809—Health Benefits Enrollment Change Form, OPM Form 2809-EZ-1,2—Health Benefits Enrollment Change Forms, and DPRS 2809—Request to Change FEHB Enrollment or to Receive Plan Brochures for Spouse Equity and Temporary Continuation of Coverage Enrollees. OPM uses OPM Form 2809, OPM Forms 2809-EZ-1,2, and DPRS 2809 to specify the opportunities and conditions under which a retiree, survivor annuitant, former spouse of a retiree, or a temporary continuation of coverage enrollee is eligible to enroll or to change enrollment in the Federal Employees' Health Benefits Program (FEHBP). Depending on the circumstances, one of four forms is completed by the person who is enrolling or changing enrollment in the program. These forms are all used to

effect FEHB enrollment or enrollment change. OMB has been requested to review and approve the application forms and instructions on an expedited basis no later than three (3) days after receipt.

Since these forms perform the same function and only differ in format, we have consolidated the burden hours. Approximately 295,500 forms are completed annually, each requiring approximately 30 minutes to complete for a total public burden of 147,750 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606–2261.

DATES: Comments on this proposal should be received by December 1, 1990.

ADDRESSES: Send or deliver comments to—

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, room 6410, 1900 E Street NW., Washington, DC 20415.

and

Joseph Lackey, OPM Desk Officer, OIRA, Office of Management and Budget, New Executive Office Building NW., room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

BILLING CODE 6325-01-M

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

FEHB

OPEN SEASON

DPRS-2809

OMB Number XXXXXX

Request to Change FEHB Enrollment or to Receive Plan Brochures for Spouse Equity and Temporary Continuation of Coverage Enrollees

Read the enclosed instructions before completing this form.

Return form to NFC, DPRS Billing Unit, P.O. Box 61760, New Orleans, LA 70161-1760

Do not take any action to maintain your present coverage.

Section I. Action. Mark the appropriate block to indicate the action you are requesting. Please mark only ONE block.

☐ **Change Enrollment.** I want to change my FEHB enrollment and do not need to review further information. I have marked the block in Section II to indicate the plan I have selected OR entered the enrollment code and plan name for a prepaid plan.

☐ **Receive Plan Brochures.** I need to review additional information before making an Open Season election. Please send me the brochure(s) for the plan(s) I have marked in Section 2 or entered in the blocks for prepaid plans. A list of the prepaid plans is included in the comparison booklet. I understand that I may choose a total of 5 brochures.

Section II. Enrollment Codes and Plan Names. Mark the appropriate blocks.

Fee-for-Service *Open* Enrollment

461 ☐ Alliance—High—Self Only
462 ☐ Alliance—High—Self and Family
464 ☐ Alliance—Stnd—Self Only
465 ☐ Alliance—Stnd—Self and Family
471 ☐ APWU—Self Only
472 ☐ APWU—Self and Family
101 ☐ Blue Cross/Blue Shield—High—Self Only
102 ☐ Blue Cross/Blue Shield—High—Self and Family
104 ☐ Blue Cross/Blue Shield—Stnd—Self Only
105 ☐ Blue Cross/Blue Shield—Stnd—Self and Family
311 ☐ GEHA—Self Only
312 ☐ GEHA—Self and Family
451 ☐ Mail Handlers—High—Self Only
452 ☐ Mail Handlers—High—Self and Family
454 ☐ Mail Handlers—Stnd-Self Only
455 ☐ Mail Handlers—Stnd—Self and Family
321 ☐ NALC—Self Only
322 ☐ NALC—Self and Family
YY1 ☐ NTEU—Self Only
YY2 ☐ NTEU—Self and Family
361 ☐ Postmasters—High—Self Only
362 ☐ Postmasters—High—Self and Family
364 ☐ Postmasters—Stnd-Self Only
365 ☐ Postmasters—Stnd—Self and Family

Fee-for-Service *Limited* Enrollment

Enrollee must be a full member of the sponsoring organization to enroll in these plans.

Y21 ☐ BACE—Self Only
Y22 ☐ BACE—Self and Family
401 ☐ Foreign Service—Self Only
402 ☐ Foreign Service—Self and Family
YP1 ☐ NAPUS—Self Only
YP2 ☐ NAPUS—Self and Family
431 ☐ Panama Canal Area—Self Only
432 ☐ Panama Canal Area—Self and Family
381 ☐ Rural Carriers—Self Only
382 ☐ Rural Carriers—Self and Family
441 ☐ SAMBA—Self Only
442 ☐ SAMBA—Self and Family
Y71 ☐ Secret Service—Self Only
Y72 ☐ Secret Service—Self and Family

Prepaid Plans

Enrollment Code	Name of Plan

Section III. Address Correction.

☐ I need to correct my address. The changes are indicated in the box below.

Section IV. Authorization. You must sign and date this form. Enter the daytime area code and telephone number where you can be contacted to answer questions.

Signature

Date

Area Code and Telephone Number

1990 SPOUSE EQUITY AND TEMPORARY CONTINUATION ENROLLEE

Information and Instruction Sheet For Completing DPRS Form 2809

Carefully read the following instructions before completing your request form.

The enclosed Direct Premium Remittance System (DPRS) Form 2809 has been designed for speedy processing. It has been personalized with your name and social security number. This form should not be used by anyone other than the addressee and *must* be signed by the addressee.

Your personalized DPRS Form 2809 allows you to:

1. Change your current health benefits plan.
2. Request plan brochures to help you in selecting a health plan.

If you decide not to make an enrollment change this year, you don't need to complete the DPRS form. Please read both the form and the accompanying plan comparison booklet to make sure your current health benefits plan and option of coverage, especially prepaid plans, will still be available to you in 1991. ***If your plan is not listed, you must change your health benefits enrollment.*** For example, some of the fee-for-service plans that will not be participating in the FEHBP after midnight December 31, 1990, are:

AFGE	NFFE
GEBA	NAGE
Postal Supervisors	

If you are currently enrolled in one of these plans or a prepaid plan that is not listed, you must select another plan during this Open Season period (November 13 through December 10, 1990) to be assured of continued health benefits coverage.

Important. You should also carefully review the 1991 premium cost shown in the plan comparison booklet for your plan and option of coverage. There are only limited opportunities which permit you to change your enrollment outside of the Open Season. If you do not change your enrollment during the Open Season, you may not be eligible to change later, even if you do not wish to pay an increased premium cost for your enrollment.

Section I, Action. You may select either item 1 or item 2 below, but not both. Read the instructions carefully before making any decisions.

How to Change Health Plan Enrollment

Your account must be current before a change will be processed.

Section I, Action. Mark the Change of Enrollment block.

Section II, Enrollment Codes and Plan Names. Mark one block only in the Fee-for-Service Open Enrollment or Fee-for-Service Limited Enrollment columns, *or* enter the enrollment code and name of plan in the Prepaid Plan column. A list of the Prepaid Plans is included in the comparison booklet.

Enrollee must be a full member of the sponsoring organizations to be eligible for the Fee-for-Service Limited Enrollment plans.

Section III, Address Correction. If your address is incorrect on the enclosed form, go to Section III. Enter the changes in the space provided. Mark a line through the erroneous information of your preprinted address. The address you provide here will be used by DPRS to mail all future correspondence, including health benefits information.

Section IV, Authorization. Sign and date the form. Enter the daytime area code and phone number where you can be contacted to answer questions concerning the information on this form.

Return the form in the envelope provided. You will receive an acknowledgement letter confirming your change of enrollment.

Additional Help. If you need assistance in completing your form, you may call the DPRS Billing Unit for Open Season Information from 7:45 a.m. to 4:00 p.m. This is a Toll Call if you are calling long distance. The Open Season number is 1-504-255-5391.

Late Authorization. If you request plan brochures during the Open Season, you will be granted at 31 days in which to review the brochures and return your enrollment change request to us.

Effective Dates of Open Season Changes. ***All enrollment changes will be effective January 1, 1991.*** If your change is processed before January 1, 1991, the coupons received in January will reflect the new premium. Otherwise, the new premium will be reflected in the coupons sent to you after the change is processed, retroactive to January 1991.

Identification Cards. These cards are issued by the health plans, not DPRS. It may take up to 3 months after DPRS has processed your Open Season change for you to receive your new identification card. Should you or your family require medical attention after January 1, but before you receive your *new* identification card, you may use the acknowledgement letter we send you as proof of your new coverage.

Acknowledgement Letters. If you made a change in your enrollment during the Open Season, a letter acknowledging your change will be mailed to you. You should keep this acknowledgement letter to use as verification of your new enrollment effective January 1, 1991.

Privacy Act Statement. The information you provide on the Health benefits registration Form is needed to document you enrollment in the Federal Employees Health Benefits Program under Chapter 89, Title 5, U.S. Code. This information will be shared with the health insurance carrier you select, so that they may (1) identify your enrollment in thier plan, (2) verify your and/or you family's eligibility for payment of a claim for health benefits services or supplies, and (3) coordinate payment of claims with other carriers with whom you might also make a claim for payment of benefits. *This information may be disclosed to other* Federal agencies or Congressional offices which may have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared and is subject ot verification, via paper, electronic media, or through the use of computer *matching programs with* national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs, in addition, to the extent the information indicates a violation of civil or criminal law, it may be shared with an appropriate Federal, state, or local law enforcement agency. The law does not require you to supply all the information requested on the form, but doing so will assist in the prompt processing of your enrollment.

Public Burden Statement We think this form takes an average 10 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or nay other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project (3206-0141), Washington, D.C. 20503.

1990 SPOUSE EQUITY AND TEMPORARY CONTINUATION ENROLLEE

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AFGE	NFFE
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Postal Supervisors	

If you are currently enrolled in one of these plans or a prepaid plan that is not listed, you must select another plan during this Open Season period (November 13 through December 10, 1990) to be assured of continued health benefits coverage.

Important. You should also carefully review the 1991 premium cost shown in the plan comparison booklet for your plan and option of coverage. There are only limited opportunities which permit you to change your enrollment outside of the Open Season. If you do not change your enrollment during the Open Season, you may not be eligible to change later, even if you do not wish to pay an increased premium cost for your enrollment.

Section I, Action. You may select either item 1 or item 2 below, but not both. Read the instructions carefully before making any decisions.

How to Change Health Plan Enrollment

Your account must be current before a change will be processed.

Section I, Action. Mark the Change of Enrollment block.

Section II, Enrollment Codes and Plan Names. Mark one block only in the Fee-for-Service Open Enrollment or Fee-for-Service Limited Enrollment columns, ***or*** enter the enrollment code and name of plan in the Prepaid Plan column. A list of the Prepaid Plans is included in the comparison booklet.

Enrollee must be a full member of the sponsoring organizations to be eligible for the Fee-for-Service Limited Enrollment plans.

Section III, Address Correction. If your address is incorrect on the enclosed form, go to Section III. Enter the changes in the space provided. Mark a line through the erroneous information of your preprinted address. The address you provide here will be used by DPRS to mail all future correspondence, including health benefits information.

Section IV, Authorization. Sign and date the form. Enter the daytime area code and phone number where you can be contacted to answer questions concerning the information on this form.

Return the form in the envelope provided. You will receive an acknowledgement letter confirming your change of enrollment.

How to Receive Additional Plan Information

Section I, Action. Mark the Receive Plans Brochures block.

Section II, Enrollment Codes and Plan Names. ***You may choose up to 5 plan brochures.*** Mark the block for each plan brochure you wish to receive in the Fee-for-Service Open Enrollment or Fee-for-Service Limited Enrollment columns, ***or*** enter the enrollment code and name of plans in the Prepaid Plan column. A list of the Prepaid Plans is included in the comparison booklet.

Section III, Address Correction. If your address is incorrect on the enclosed form, go to Section III, and enter the changes in the space provided. Mark a line through the erroneous information of your preprinted address. The address you provide here will be used by DPRS to mail all future correspondence, including health benefits information.

Section IV, Authorization. Go to Section IV. Sign and date the form. Enter the daytime area code and phone number where you can be contacted to answer questions concerning the information on this form.

Return the form in the envelope provided. Upon receipt of your form, we will mail to you a package with the brochures you requested and a form for your use if you wish to make an enrollment change.

Do not complete this section of the form if you are changing your enrollment and wish to obtain a brochure of your new plan for the upcoming year. Your new plan will send you a brochure when we notify them of your enrollment.

Additional Help. If you need assistance in completing your form, you may call the DPRS Billing Unit for Open Season Information from 7:45 a.m. to 4:00 p.m. This is a Toll Call if you are calling long distance. The Open Season number is 1-504-255-5991.

Late Authorization. If you request plan brochures during the Open Season, you will be granted at 31 days in which to review the brochures and return your enrollment change request to us.

Effective Dates of Open Season Changes. ***All enrollment changes will be effective January 1, 1991.*** If your change is processed before January 1, 1991, the coupons received in January will reflect the new premium. Otherwise, the new premium will be reflected in the coupons sent to you after the change is processed, retroactive to January 1991.

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Privacy Act Statement. The information you provide on the Health benefits registration Form is needed to document you enrollment in the Federal Employees Health Benefits Program under Chapter 89, Title 5, U.S. Code. This information will be shared with the health insurance carrier you select, so that they may (1) identify your enrollment in thier plan, (2) verify your and/or you family's eligibility for payment of a claim for health benefits services or supplies, and (3) coordinate payment of claims with other carriers with whom you might also make a claim for payment of benefits. This information may be disclosed to other Federal agencies or Congressional offices which may have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared and is subject ot verification, via paper, electronic media, or through the use of computer matching programs with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs, in addition, to the extent the information indicates a violation of civil or criminal law, it may be shared with an appropriate Federal, state, or local law enforcement agency. The law does not require you to supply all the information requested on the form, but doing so will assist in the prompt processing of your enrollment.

Public Burden Statement We think this form takes an average 10 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or nay other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project (3206-0141), Washington, D.C. 20503.

[FR Doc. 90-27796 Filed 11-27-90; 8:45 am]

BILLING CODE 6325-01-C

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-17861; File No. 812-7588]

Application for Order; College Retirement Equities Fund, et al.

November 20, 1990.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: College Retirement Equities Fund ("CREF"), Teachers Insurance and Annuity Association of America ("TIAA"), TIAA-CREF Investment Management, Inc. (the "Management Company"), and TIAA-CREF Individual & Institutional Services, Inc. (the "Service Company").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to section 17(d) of the 1940 Act and rule 17d-1 thereunder approving certain transactions.

SUMMARY OF APPLICATION: Applicants seek an order approving the proposed restructuring described below whereby CREF will "externalize" the investment advisory, administrative, and distribution services which are now provided for CREF internally. These services will be performed by the Management Company and the Service Company, respectively, both of which are newly created, wholly controlled subsidiaries of TIAA.

FILING DATE: The application was filed on September 7, 1990 and amended on November 16, 1990.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on December 17, 1990. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit, or, in case of an attorney-at-law, by certificate. Request notification of the date of hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Peter C. Clapman, Esq., TIAA-CREF, 730 Third Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Barry D. Miller, Senior Staff Attorney, at (202) 272-3012, or Heidi Stam, Assistant Chief, Office of Insurance Products and Legal Compliance, at (202) 272-2060 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 738-1400).

Applicants' Representations

1. CREF is a non-profit membership corporation subject to the Not-For-Profit Corporation Law of New York State. It was established by a special act of the New York State Legislature which became effective on March 18, 1952, and was formed for the purpose of providing retirement benefits suited to the needs of teachers and other employees of nonproprietary and non-profit educational and research organizations. CREF achieves this purpose by issuing variable annuity certificates funded by its investment portfolios, which currently consist of a Stock Account, Money Market Account, Bond Market Account, and Social Choice Account (collectively, the "Accounts"). CREF is also subject to supervision and regulation by the New York State Superintendent of Insurance and by the insurance regulatory authority of certain other states and jurisdictions.

2. CREF is registered as an open-end diversified management investment company under the 1940 Act and the variable annuity certificates (the "Certificates") it issues are registered under the Securities Act of 1933 (the "Securities Act"). CREF is also registered as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"), and is a member of the National Association of Securities Dealers, Inc. ("NASD"), solely in connection with the distribution of the Certificates. It is also registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act") in connection with the management of its investment Accounts. As a membership corporation, CREF has no "shareholders" in the traditional sense. Rather, it is controlled as a technical matter by a group of seven individuals known as "members." To date, CREF's members' principal function has been to elect CREF's Trustees.

3. TIAA was established in 1918 as a non-profit corporation under the New York State Insurance Law to provide retirement benefits and financial security for the types of institutions and employees served by CREF. TIAA offers fixed annuities and insurance benefits funded by its general account. All of the stock of TIAA is held by an entity designated "TIAA Board of Overseers", itself a New York not-for-profit membership corporation organized and existing solely for the purpose of holding TIAA's stock and performing related functions. TIAA is regulated as an insurance company by New York State and other jurisdictions.

4. CREF and TIAA are legally distinct entities. However, officers of TIAA generally are also officers of CREF. In addition, the individuals comprising the members of CREF also comprise the members of TIAA Board of Overseers.

5. CREF and TIAA, as companion entities, comprise the principal retirement system for the nation's education and research communities. As of January 1, 1990, there were approximately one-million individuals and institutions accumulating benefits in the TIAA-CREF system, and another 200,000 retired individuals receiving benefits from the TIAA-CREF system. Owners of the Certificates or TIAA contracts are referred to herein as "Participants."

6. The Management Company and the Service Company (collectively, the "Subsidiaries") were formed on September 4, 1990, as Delaware non-stock membership corporations wholly controlled by TIAA. Neither of the Subsidiaries has any current operations. It is intended that the Subsidiaries will be exempt from federal and state taxation. The Management Company will provide investment advisory services to CREF. It will register as an investment adviser under the Advisers Act. The Service Company will provide services relative to the distribution of the Certificates and the administration of CREF. The Service Company will register as a broker-dealer under the 1934 Act and become a member of the NASD. The Service Company may also be registered as a broker-dealer in a number of states.

7. All services for CREF relating to the rendering of investment advice, the administration of CREF, and the distribution of the Certificates are currently provided at cost pursuant to an expensive remibursement agreement with TIAA (the "Agreement"). Under the Agreement, TIAA makes all disbursements in connection with the operation of CREF. These services are performed by individuals whose time is allocated for expense purposes between TIAA and CREF.

In connection with these services, certain daily deductions are made from the net assets of the Accounts. TIAA receives amounts daily from CREF corresponding to these deductions. The

rates of these deductions are revised from time to time, based solely on estimates of expenses anticipated to be incurred, with the objective of keeping the deductions as close as possible to actual expenses. As soon as is practicable after the end of each quarter, the amount necessary to correct any differences between the deductions and the expenses actually incurred will be determined. This amount will be deducted or credited, as the case may be, between CREF and TIAA in equal daily installments over the remaining days in the quarter. Currently, members of the Boards of Trustees of CREF who are employees of CREF or TIAA annually review and approve the Agreement and the arrangements relative to investment advisory, administrative, and distribution services.

8. Subject to the direction and control of CREF's Board of Trustees, certain personnel manage the investment and reinvestment of the assets of CREF's investment Accounts. Accounts are only charged for services rendered in managing their respective assets.

9. The duties of CREF investment advisory personnel include research, making recommendations concerning investment strategies to the Finance Committee of the Board, and placing orders for the purchase and sale of securities. These personnel also provide for all portfolio accounting, custodial, and related services for the Accounts.

For investment advisory services provided to the Accounts, an amount currently is deducted each valuation day from the net assets of the Stock Account at an annual rate of 0.11%; from the net assets of the Money Market Account at an annual rate of 0.08%; and from the net assets of the Bond Market Account and the Social Choice Account at an annual rate of 0.12%, of the average daily net assets of each Account.

10. Certain personnel provide all services related to the adminstration of CREF. Administrative services are basically all services not related to the management of the investments of the Accounts or distribution of the Certificates including, but not limited to, the allocated portion of items such as fees and expenses paid to the Trustees, salaries, rent, postage, etc. For administrative services, a deduction currently is made each evaluation day from the net assets of each Account at an annual rate of 0.21% of the average daily net assets of each Account.

11. The Certificates are offered on a continuous basis and are distributed by registered representatives of CREF. Compensation paid for services relating to the distribution of the Certificates is based on salary; no commissions are paid. For expenses related to the distribution of the certificates, a deduction is currently made each valuation day from the net assets of each account at an annual rate of .02% of the average daily net assets of each Account. Pursuant to Commission order, this deduction will not exceed .25% of the average daily net assets of an Account.

12. The restructuring is being undertaken for two principal reasons. First, CREF is seeking to simplify its regulatory compliance obligations by more clearly segregating functional responsibilities of individuals performing services for CREF. Both broker-dealer and investment adviser regulation frequently overlap with investment company regulation in the case of an entity like CREF which performs distribution and advisory services internally. In particular, recordkeeping and reporting requirements are often duplicative, and identification and supervision of personnel involved in a function regulated by the 1934 Act or the Advisers Act, in addition to the 1940 Act, creates administrative burdens and expense with no added benefit to Participants. Thus, although CREF has complied with all SEC and NASD requirements related to supervision, registration, and regulation of distribution and advisory personnel, and with other requirements related to its investment advisory and distribution activities, it has determined that administration and supervision of these activities can be achieved most effectively and efficiently if those activities were carried out through separate entities.

Second, and more specifically related to distribution activities, is the fact that broker-dealer regulation frequently conflicts with the practical realities of investment company operation. Difficult questions relating to the status of CREF personnel as "associated persons," fingerprinting requirements, calculation of the NASD's annual assessment, and the status of CREF under the net capital and customer protection rules have had to be addressed. The impact of this anomalous situation is perhaps greatest on CREF's investment flexibility. CREF has received assurances from the NASD with respect to certain investment issues that have arisen as a result of its unusual structure; however, CREF believes that having to seek such assurances, as these types of issues arise on a frequent basis, is inefficient and creates expenses and adminstrative dislocation that could be avoided by reliance on an external entity.

CREF also believes that the proposed restructuring will have additional benefits. For example, it is expected that Participants will more easily understand CREF's corporate structure after the effectiveness of this restructuring. It also is expected that the proposed restructuring will result in more efficient administration and, therefore, that supervisory practices will be enhanced.

13. The proposed restructing is the result of lengthy consideration by CREF. CREF has considered alternative approaches, such as registering TIAA as the broker-dealer or investment adviser, or having TIAA serve as administrator for CREF, or creating subsidiaries of CREF. Concerns about maintaining the tax-exempt status of the TIAA–CREF pension system and creating an unnecessarily complicated structural framework have led CREF to conclude that the approach described herein is the most prudent.

14. Applicants propose that the investment advisory, administrative, and distribution services now being performed internally by CREF be provided to CREF by two newly formed external entities. These entities are non-profit membership corporations which will be wholly controlled by their sole member, TIAA. The sole purpose of the Subsidiaries is to provide services to CREF; there is no current intention for these entities to provide services for any unaffiliated entities. The Subsidiaries will, however, provide services for any new Accounts CREF establishes in the future.

15. The Management Company will be responsible for managing the portfolios of all of CREF's Accounts. The personnel associated with the Management Company will consist of the same personnel who currently manage CREF's Accounts and are deemed associated with CREF's investment adviser operation.

16. The Service Company will be structured and operated in a manner designed to qualify it for treatment as a "$2,500" broker-dealer under the net capital rule, rule 15c3–1 under the 1934 Act, as well as for other simplified regulatory requirements generally accorded broker-dealers whose securities activities are limited to the sale and redemption of redeemable shares of registered investment companies or units in insurance company separate accounts. The Service Company will be responsible for all services related to the distribution of the Certificates. It will also be responsible for all administrative services for CREF. The personnel currently engaged in distributing the Certificates as registered

representatives and registered principals, respectively, of CREF will be registered representatives and registered principals of the Service Company, with organizational structure, supervisory personnel and esponsibilities virtually unchanged.

17. Under the proposed restructuring, the services provided to CREF will be unchanged and uninterrupted, and expenses will be deducted from CREF's assets in a manner similar to the current procedure. Moreover, expenses will continue to be deducted at cost and no element of profit will inure to the benefit of either fo the Subsidiaries or to TIAA. Compensation paid for services to the Subsidiaries will be based on salary; no commissions will be paid for distribution or any other services. TIAA will make all disbursements and pay all operating expenses for the Subsidiaries (other than direct investment expenses such as brokerage commissions), and will serve as a common paymaster for personnel of the Subsidiaries as well as TIAA, just as it currently does for CREF.

18. Applicants believe that the changes described herein, in reality, only affect the corporate structure of CREF's service providers and not their operating methods (*e.g.*, personnel will not even have to change the location of their offices); will present virtually no administrative disruption; and will create administrative efficiencies by simplified regulatory compliance. Therefore, Applicants believe that the restructing will not result in an increase in the deductions made from CREF's assets for investment advisory, administrative, and distribution services.

19. After the restructuring, CREF will operate solely as a registered investment company, and will no longer be subject to two additional layers of regulation, as it will deregister as an investment adviser, and will deregister as a broker-dealer and terminate its membership in the NASD.

20. The relationships created by the restructuring will be defined in a series of agreements among the Applicants. The amounts deducted each day from CREF's assets for the various services will be credited to the Subsidiaries. Amounts will be credited to the Management Company for investment management services pursuant to an agreement for advisory services between it and CREF. Amounts will be credited to the Service Company for distribution and administrative services pursuant to a principal underwriting and administrative services agreement between it and CREF. Both of these agreements will be reviewed annually by CREF's Board of Trustees, and approved as being in the best interests of CREF's Participants by a majority of CREF Trustees who are not "interested persons" of CREF within the meaning of section 2(a)(19) of the 1940 Act. The principal underwriting and administrative services agreement will be ratified in the manner required by section 15 of the 1940 Act. The Management Company will operate as a non-profit corporation and will provide all investment management services on an at cost basis. Therefore, according to Applicants, the Management Company is not deemed an "investment adviser" for purposes of the 1940 Act, and the advisory agreement is not subject to section 15 of the 1940 Act.

The Subsidiaries will, in turn, enter into expense reimbursement agreements with TIAA. Pursuant to those agreements, TIAA will pay all expenses and make all disbursements on behalf of the Subsidiaries, and will receive credit from them in the amounts each is credited as receiving as daily deductions from CREF's assets pursuant to their respective agreements with CREF.

All these agreements will provide (just as the current expense reimbursement agreement provides) that at the end of each calendar quarter the amounts of the payments made will be "trued up" to reflect the actual expenses incurred.

Applicants' Legal Analysis

21. Applicants acknowledge that TIAA could be deemed an affiliated person of CREF by virtue of the common identity of the members of CREF and the members of TIAA Board of Overseers, as well as because of the common identity of many of their executive officers. As TIAA may be deemed to be affiliated with CREF, and TIAA will be affiliated with the Subsidiaries, the proposed restructuring and the agreements effecting it may be deemed to involve "a joint enterprise or other joint arrangement" in contravention of section 17(d) and rule 17d–1.

22. Applicants believe that the terms of CREF's proposed restructuring satisfy the standards set forth in rule 17d–1 in that the proposed restructuring is consistent with the provisions, policies, and purposes of the 1940 Act and the participation of CREF and each of the Accounts is on a basis no different from or less advantageous than that of the other parties involved and is in the best interest of its Participants. The restructuring will simplify and clarify CREF's regulatory status, thereby resulting in greater investment flexibility and reduced recordkeeping and other requirements generally not imposed upon other registered investment companies. It is also expected to enhance the internal supervisory system of CREF and the Subsidiaries, as well as the ability of CREF's Board of Trustees to fulfill its fiduciary duties, by clarifying individual responsibilities and regulatory requirements.

23. Applicants also believe that CREF's participation is beneficial to Participants and does not put CREF, or any of its Accounts, at a disadvantage with respect to, or involve overreaching by, any of the other parties. Applicants contend that because they are not-for-profit entities with the singular purpose of effectuating and promoting the TIAA–CREF retirement system, the potential for such overreaching is neither logical nor conceivable.

24. The proposed restructuring proffers a definite benefit upon CREF participants. For example, the continuing "at cost" expenses of the services provided, as well as the maintenance of the existing and familiar service delivery structure, provide significant benefits to Participants. Moreover, when the additional advantages of the restructuring described above are fully considered, the "joint enterprise" confers even greater benefits to Participants.

25. The Commission has, in the past, granted exemptive relief on a number of occasions to permit the externalization of advisory, distribution, and administrative services. In many of these instances, sponsors of the external entities which would provide the formerly internalized services stood to profit from the externalization, and the transactions involved transfers of stock and/or other assets, and, in some cases, the possibility of higher costs for the investment company.

26. CREF's proposed restructuring, however, raises none of these concerns; CREF is not transferring any economic benefit away from its Participants to private entities which may be controlled by insiders or affiliates or which may transfer ownership of the shares elsewhere. The only change in the relationship between CREF and its Participants is that different entities will be performing investment advisory, distribution, and administrative services for CREF. Such services will continue to be furnished at cost to Participants, and CREF will maintain its not-for-profit status. No insider, affiliate, or outside entity will obtain any economic gain from CREF's restructuring, and no Participant will lose any potential economic gain.

27. CREF's Board of Trustees, including a majority of the Trustees who were not "interested persons" within the meaning of the 1940 Act, considered and

reviewed the relative benefits to each Account and to Participants as a whole from the proposed restructuring. The Board determined that, in fact, the arrangement represented the best approach for CREF to take.

28. The Commission has previously issued an order on a prior application by CREF which granted CREF significant exemptive relief under the 1940 Act. *See* Release No. IC–17116 (Aug. 22, 1989) (the "Order"). The Order was based in part on the terms of a settlement agreement entered into on December 21, 1988 (the "Settlement Agreement"), by CREF, TIAA, and certain intervenors in the proceeding ordered by the Commission on CREF's prior application. Among other things, the Order granted relief to allow CREF to rely on certain general exemptions from the requirements of the 1940 Act available to issuers of variable annuity contracts, and granted certain relief from the redeemability provisions of the 1940 Act.

29. CREF made certain representations and undertakings in connection with the Settlement Agreement. Several of these representations and undertakings involve obligations which remain ongoing. To the extent these obligations continue, and to the extent these obligations would apply to the Management Company and/or the Service Company as successors to functions for which CREF itself has responsibility, each of those entities represents that it will be bound by the terms of the Settlement Agreement and the Order as if each of them were signatories to the Settlement Agreement.

30. In addition to the relief requested in this application, and notwithstanding the changes to CREF's method of operation described in this application, Applicants submit that the relief granted in the Order should remain in force subsequent to CREF's restructuring. As Applicants have demonstrated above, the restructuring goes merely to the form of the entities providing certain services for Participants and not to the actual services being provided or to any change in CREF's purpose or function. Accordingly, the corporate structural changes described herein for which relief is being sought do not, Applicants believe, represent material changes from the facts cited in the prior application as they relate to the basis for the granting of relief with respect to that application. Therefore, it is requested that any order issued by the Commission on this application specifically refer to the continuing effectiveness of the relief granted in the Order.

Applicants' Condition

Applicants agree that issuance of the requested order is expressly conditioned upon the following:

1. Upon issuance of the notice of this application, Applicants will forward a copy of such notice to each of the signatories to the Settlement Agreement within two days of the issuance of such notice.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–27872 Filed 11–27–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17862; 812–7505]

Western Life Insurance Co., et al.

November 20, 1990.

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Western Life Insurance Company ("Western"), Variable Account D of Western Life Insurance Company ("Variable Account"), and AMEV Investors, Inc.

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of mortality and expense risk charges from the assets of the Variable Account under certain flexible premium deferred annuity contracts.

FILING DATE: October 5, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on December 17, 1990 and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC, 20549. Applicants, 500 Bielenberg Drive, Woodbury, Minnesota 55125.

FOR FURTHER INFORMATION CONTACT: L. Bryce Stovell, Staff Attorney, at (202) 504–2272, or Heidi Stam, Assistant Chief, at (202) 272–2060, Office of Insurance Products and Legal Compliance (Division of Investment Management).

Applicants' Representations

1. Western was organized under Minnesota law as a stock life insurance company and is the depositor, for purposes of the 1940 Act, for the Variable Account. The Variable Account was organized under Minnesota law as an insurance company separate account and is registered under the 1940 Act as a unit investment trust. AMEV Series Funds, Inc. (the "Fund") is the underlying investment medium for the Variable Account and is registered under the 1940 Act as an open-end management investment company. AMEV Investors, Inc., a registered broker-dealer, is the Variable Account's principal underwriter.

2. Applicants intend to offer to the public certain flexible premium deferred variable annuity contracts (the "Contracts"). Holders of these Contracts will direct Contract payments to one of several sub-accounts of the Variable Account. These payments then will be invested by the sub-accounts into redeemable shares of one of the corresponding portfolios of the Fund, thereby making such redeemable shares the Variable Account's principal assets.

3. Western will assume certain risks, described below, in connection with its sale of the Contracts. Accordingly, Western proposes to compensate itself for assuming these risks by deducting from the assets of the Variable Account a daily asset charge for mortality and expense risks.

4. Western will assume several mortality risks under the Contracts. First, Western will assume a mortality risk arising from its agreement to pay a death benefit prior to the annuity date. The death benefit, if paid in a lump sum, will be the greater of: (a) The sum, subject to certain adjustments, of all net purchase payments made, (b) the investor's account value, or (c) the account value, subject to certain adjustments, as of the anniversary immediately preceding the date that the annuitant reaches his 75th birthday. Second, Western will assume a mortality risk arising from its agreement not to impose upon the aforementioned death benefit any contingent deferred

sales charge if the death occurs before age 75. Third, Western also will assume a mortality risk arising from its agreement, under annuity options involving life contingencies, to: (a) Base such annuities on an annuity table that is at least as favorable to annuitants as the Contract tables, and (b) pay annuities to each annuitant for life.

5. In addition to mortality risks, Western will assume an expense risk because the administrative charges may be insufficient to cover actual administrative expenses. In this regard Western will agree not to raise, for the duration of the Contracts, its daily net asset value charge of .1% for administrative expenses. Western represents that this charge is not expected to be greater than the average expected cost of the administrative services to be provided during the period of the guarantee. However, Western also represents that the guarantee exposes it to the risk of bearing any higher costs for the administrative services in question.

6. Due to the foregoing, Western proposes to set the mortality and expense risk daily charge against Variable Account assets at an aggregate rate of 1.25% per annum, with approximately .8% allocated to cover the mortality risks and approximately .45% allocated to cover the expense risk.

7. Applicants state that they have reviewed publicly available information regarding products of other companies taking into consideration such factors as guaranteed minimum death benefits, guaranteed annuity purchase rates, minimum initial and subsequent purchase payments, other contract charges, the manner in which charges are imposed, market sector, investment options under the contracts, and availability to individual qualified and non-tax-qualified plans. Based upon this review, Applicants have concluded that the mortality and expense risk charge proposed here is within the rang of industry practice for comparable annuity contracts.

8. Applicants will maintain at their principal office a memorandum setting forth in detail the variable annuity products analyzed and the methodology, and results of, Applicants' comparative review. Applicants will make this memorandum available to the SEC and its staff upon request.

9. No front-end sales charge will be imposed when purchase payments are applied under the Contracts. However, a contingent deferred sales charge will be assessed against certain withdrawn or surrendered payments. This charge will be 7% in the first year and then will grade down evenly at annual intervals to 0% after seven years from the date of the payment in question.

10. The contingent deferred sales charge may be insufficient to cover all costs relating to the distribution of the Contracts. If a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be offset by distribution expenses not reimbursed by the contingent deferred sales charge. In such circumstances a portion of the mortality and expense risk charge might be viewed as providing for a portion of the costs relating to distribution of the Contracts. Notwithstanding the foregoing, Western has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to the Contracts will benefit the Variable Account and Contract owners.

11. The basis for the conclusion regarding financing arrangements that is stated above is set forth in a memorandum which will be maintained by Western at its principal office and will be made available to the SEC and its staff upon request.

12. Western also represents that the Variable Account will invest only in an underlying mutual fund which undertakes, in the event it should adopt any plan under rule 12b–1 to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of section 2(a)(19) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–27873 Filed 11–27–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Shawano County, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Shawano County, Wisconsin.

FOR FURTHER INFORMATION CONTACT:

Robert Cooper, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin 53705; Telephone: (608) 264–5940.

Carol Cutshall, Wisconsin Department of Transportation, Office of Environmental Analysis, 4802 Sheboygan Avenue, Madison, Wisconsin 53705; Telephone: (608) 267–4473.

James F. Oeth, Donohue & Associates, Inc., 6325 Odana Road, Madison, Wisconsin 53791; Telephone: (608) 271–1004.

William Nicholson, Wisconsin Department of Transportation, Highway 29 Project Management Team, 1681 Second Avenue South, P.O. Box 8021, Wisconsin Rapids, Wisconsin 54495; Telephone: (715) 421–8365.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve State Trunk Highway 29 (STH 29) from near Bonduel to the east Shawano County Line, a distance of about 12 miles. The purpose of this project is to provide traffic improvements and enhance economic development for this primarily rural area. A 1988 Feasibility Study determined that improvements to STH 29 would have a good benefit-cost ratio and provide more efficient movement of goods and services through this important regional corridor.

The existing roadway is a 2-lane facility. Engineering studies are underway to determine whether this section of STH 29 should be developed initially as an expressway or as a freeway. The EIS will assess the need, location, and environmental issues of alternatives, including: (1) No build; (2) existing corridor with a relocated corridor to bypass the community of Angelica; (3) relocated corridor north of existing STH 29; and (4) relocated corridor south of existing STH 29. Major issues identified to date include impacts to farmlands and farming operations, residential displacements, wetland impacts, and impacts to potential historic houses.

An agency coordination meeting was held in Shawano, Wisconsin, on the morning of October 24, 1990, for interested agencies. A Public Informational Meeting was held in the afternoon and evening of October 24, 1990, for members of the general public. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies who have expressed or are known to have interest in this proposal. A public hearing will be held. Public notice will be given of the time and place of the hearing. The draft EIS will

be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to Donohue & Associates, Inc., 6325 Odana Road, Madison, Wisconsin 53719, by December 16, 1990.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: November 16, 1990.

Robert W. Cooper,

District Engineer.

[FR Doc. 90-27898 Filed 11-28-90; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: November 21, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB number: 1545-1031.
Form number: 8697.
Type of review: Revision.
Title: Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.
Description: Taxpayers required to account for all or part of any long-term contract entered into after February 28, 1986, under the percentage of completion method must use Form 8697 to compute and report interest due or to be refunded under Internal Revenue Code section 460(b)(3). IRS uses Form 8697 to determine if the interest has been figured correctly. Taxpayers may compute interest using the actual method (Part I) or the Simplified Marginal Impact Method (Part II).
Respondents: Individuals or households, Businesses or other for-profit.
Estimated number of respondents: 5,000.
Estimated burden hours per response/recordkeeping:

	Part I	Part II
Recordkeeping	8 hrs., 22 mins	9 hrs., 5 mins.
Learning about the law or the form.	2 hrs., 5 mins	1 hr., 35 mins.
Preparing, copying, assembling, and sending the form to IRS.	2 hrs., 19 mins	1 hr., 49 mins.

Frequency of response: Annually.
Estimated total reporting burden: 63,270 hours.
Clearance officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90-27870 Filed 11-27-90; 8:45 am]

BILLING CODE 4830-01-M

Office of the Comptroller of the Currency

Privacy Act of 1974, as Amended; Proposed New System of Records

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed new system of records concerning use of OCC-provided telephone systems and services.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, the Office of the Comptroller of the Currency (the "OCC") gives notice of the establishment of a new system of records entitled the Telephone Usage Information System, Treasury/Comptroller .315 ("TUIS"). The TUIS is being established to enable the OCC to enhance its ability to assess employee use of OCC-provided telephone systems and services.

DATES: Comments must be received no later than December 28, 1990. If no comments are received, the system of records will become effective January 28, 1991.

ADDRESSES: Comments should be sent to Communications Division, 5th Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219; Attn: Jackie England. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Jeanne Covington, Attorney, Legal Advisory Services Division, (202) 447-1883, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION: The OCC is establishing the TUIS to enhance its ability to assess employee use of OCC-provided telephone systems and services. The information in the TUIS may be used for traffic studies, cost projections or other management purposes.

The TUIS will contain Call Detail Reports generated by the telephone systems that the OCC currently uses. A Call Detail Report may identify calls to individual telephone numbers and, in some instances, to individual users. In addition, a Call Detail Report may identify the originating number from which long distance and local calls are made. The TUIS will also contain telephone assignment records and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls.

Treasury/Comptroller .315

SYSTEM NAME:

Telephone Usage Information System (TUIS)—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219. In addition, components of the TUIS are geographically dispersed throughout six OCC district offices, at the following locations:

Northeastern District—1114 Avenue of the Americas, Suite 3900, New York, NY 10036.

Southeastern District—Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE, Atlanta, GA 30303.

Central District—One Financial Place, Suite 2700, 440 South LaSalle St., Chicago, IL 60605.

Midwestern District—2345 Grand Ave., Suite 700, Kansas City, MO 64108.

Southwestern District—1600 Lincoln Plaza, 500 North Akard St., Dallas, TX 75201-3394.

Western District—50 Fremont St., Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally OCC employees and contractor personnel) who make telephone calls and individuals who receive telephone calls placed from or charged to OCC telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

The TUIS will contain records relating to the use of OCC telephones to place local or long distance calls, whether through commercial systems, the Federal Telephone System (FTS) or similar systems; records indicating assignment of telephone numbers to employees; records of any charges billed to OCC telephones; records relating to location of OCC telephones; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 93a, 12 U.S.C. 481, 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Records and information contained in these records may be disclosed, as is necessary:

(1) To employees of the OCC to determined their individual responsibility for telephone calls;

(2) To a telecommunications company providing telecommunications support to permit servicing the account;

(3) To respond to any Congressional inquiry undertaken at the request of an individual covered by the system;

(4) To respond to a request for discovery or for the appearance of a witness, to the extent that information that is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding;

(5) In a proceeding before a court or adjudicative body to the extent that information or records are relevant and necessary to the proceeding;

(6) In the event that the material in this system indicates a violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto; in such circumstances, the relevant records may be used by the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and

(7) To furnish another Federal agency information to effect an interagency salary offset, or an interagency administrative offset, or to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to debt collection agencies for collection services, but shall not be disclosed to other governmental agencies.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in a computer data base and on magnetic media, or on hard copy print-outs stored in file cabinets.

RETRIEVABILITY:

Records are retrieved by employee name or identification number, by name of recipient of telephone call, or by telephone numbers.

SAFEGUARDS:

Access to records in electronic storage systems is restricted by user identification procedures and passwords that limit access to authorized employees of the OCC. Computer discs and hard copy printouts will be stored in file cabinets accessible by authorized personnel only. File cabinets will be locked after regular hours.

RETENTION AND DISPOSAL:

Records are disposed of as provided in National Archives and Records Administration General Records Schedule 12.

SYSTEM MANAGERS AND ADDRESSES:

Deputy Director, Telecommunications, Systems Support Division, Office of the Comptroller of the Currency, 835 Brightseat Road, Landover, MD 20785. District Offices—The District Administrator for each district is responsible for assuring the accuracy and routine maintenance of TUIS records applicable to the district.

NOTIFICATION PROCEDURE:

Individuals who wish to be notified if they are named in the system or to gain access to records maintained in the system must submit a signed, written request to the System Manager at the address listed, or to the appropriate District Administrator. The request must contain the requester's name, address, and at least two items of secondary identification (date of birth, social security number, employee identification number, dates of employment, or similar information), and must state that the requester wishes to be notified if he or she is named in the TUIS, or to gain access to records maintained in the TUIS. Inquiries may be required to include a notarized statement attesting to identity.

RECORD ACCESS PROCEDURE:

See Notification Procedure, above.

CONTESTING RECORD PROCEDURE:

See Notification Procedure, above.

RECORD SOURCE CATEGORIES:

Telephone assignment records, Call Detail Reports, and results of administrative inquiries relating to assignment of responsibility for placement of specific local or long distance calls.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: November 19, 1990.

Linda M. Combs,

Assistant Secretary of the Treasury (Management).

[FR Doc. 90-27871 Filed 11-27-90; 8:45 am]

BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 229
Wednesday, November 28, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, December 3, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-27981 Filed 11-23-90; 4:27 pm]

BILLING CODE 6210-01-M

POSTAL RATE COMMISSION

Amended Notice of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR Doc. 90-25681 Filed 10-25-90, page 43438.

PREVIOUSLY ANNOUNCED DATE OF MEETING: November 26, 1990—10 a.m. and 2 p.m.

CHANGE: Cancelled.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

Charles L. Clapp,

Secretary.

[FR Doc. 90-28025 Filed 11-26-90; 1:18 pm]

BILLING CODE 7715-FW-M

Corrections

Federal Register
Vol. 55, No. 229
Wednesday, November 28, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

Correction

In notice document 90-27314 beginning on page 48272 in the issue of Tuesday, November 20, 1990, make the following correction:

On the beginning page, in the third column, under **SUPPLEMENTARY INFORMATION**, item number 2 should begin "EIA-176," instead of "EIA-178".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 166

[Docket No. 90P-0025]

Margarine; Standard of Identity to Permit Use of Any Form of Marine Oil Affirmed as GRAS or Approved as a Food Additive for This Use

Correction

In proposed rule document 90-20522 beginning on page 35439, in the issue of Thursday, August 30, 1990, in the first column, under **DATES:**, the last two lines should read "proposal shall become effective 60 days after date of publication of the final rule in the FEDERAL REGISTEP "

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 62]
RIN 2127-AB21

Consumer Information Regulations; Uniform Tire Quality Grading Standards

Correction

In rule document 90-26962 beginning on page 47765 in the issue of Thursday, November 15, 1990, make the following corrections:

1. On page 47765, in the third column, under **DATES**, the first phrase should read "These amendments are effective December 17, 1990;" instead of "These amendments are effective 30 days after the publication of the final rule;".

2. On page 47772, at the end of the second column, the first line of the equation should read "(Y1 - Yo)".

3. On the same page, in the third column, in the fourth line, "X1" should read "Y1".

BILLING CODE 1505-01-D

federal register

Wednesday
November 28, 1990

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Notice of Proposed Comprehensive Plan for Fiscal Year 1991

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Office of Juvenile Justice and Delinquency Prevention Proposed Comprehensive Plan for Fiscal Year 1991

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of Proposed Comprehensive Plan for Fiscal Year 1991.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is publishing for public comment this Notice of its Proposed Comprehensive Plan for Fiscal Year 1991.

DATES: Comments must be submitted on or before January 14, 1991.

ADDRESSES: Comments may be mailed to Robert W. Sweet, Jr., Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Catherine Doyle, Program Analyst, (202) 307–0751. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 204(b)(5)(A), 42 U.S.C. 5614(b)(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 *et seq.* (hereinafter JJDP Act), the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for public comment a Proposed Comprehensive Plan describing the funding activities which OJJDP intends to carry out during Fiscal Year 1991. The Proposed Comprehensive Plan includes activities specified in part C and part D of title II of the JJDP Act (42 U.S.C. 5651–5665a and 42 U.S.C. 5667–5667a). Taking into consideration comments on the Proposed Comprehensive Plan, the Administrator will develop and publish a final plan describing the particular funding activities which OJJDP intends to carry out during Fiscal Year 1991, under parts C and D of title II of said Act.

The 1984 Amendments to the JJDP Act established in OJJDP a Missing and Exploited Children's Program (Title IV, Missing Children's Assistance Act). Programs and activities proposed for funding under the Missing and Exploited Children's Program are not included in this proposed Program Plan for Fiscal Year 1991. A statement of Missing Children's Program priorities will be published in the **Federal Register** for public comment as required by section 406(a) of the JJDP Act, 42 U.S.C. 5776(a).

Introduction

The United States faces a formidable problem in combating juvenile delinquency in this decade. We must accelerate our efforts to prevent, treat, and control delinquency.

OJJDP is the primary Federal agency for addressing juvenile crime and related issues. Established by Congress in 1974 through the Juvenile Justice and Delinquency Prevention Act (JJDP Act), the Office exists to promote State and local solutions for the problems of the juvenile justice system and to provide national leadership in juvenile justice program development, demonstration, research, and evaluation.

The Administrator of OJJDP is authorized to prescribe regulations consistent with the Act to award, administer, modify, extend, terminate, monitor, evaluate, reject or deny all grants and contracts from and applications for, funds made available under Title II of the JJDP Act [section 201(b) JJDP Act, 42 U.S.C. 201(b)]. The Adminstrator reports to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs (OJP). The Administrator advises the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency (section 204(b)(1), 42 U.S.C. 5614(b)(1)).

America's juvenile justice system as we know it will reach its century mark at the end of this decade. The first independent juvenile court was established in Illinois in 1899. Since then, ninety years of juvenile justice policy have produced a number of advances in dealing with troubled youth. Yet today, many communities need assistance to address juvenile crime effectively.

During its 15-year history, OJJDP has brought about, in a partnership with State and local governments, laudable progress in improving the juvenile justice system throughout America. As mandated by the JJDP Act, three major systemic problems have been addressed and substantial progress made: Deinstitutionalization of status offenders, removal of juveniles from adult jails and lockups, and separation of juveniles from adults during incarceration.

Without neglecting the need to continue this progress, and to monitor continuing compliance with the JJDP Act mandates, OJJDP program resources can now be redirected toward solutions of other problems of the system. Every effort must be made to promote the use of state-of-the-art methods to improve all aspects of the juvenile justice system, and to stimulate increased efforts to prevent delinquency. OJJDP will continue its mission to provide direction, coordination, leadership, and resources to State and local juvenile justice systems and the related youth service delivery network.

New programs reflecting current issues and problems will be initiated in the coming year, as funds permit. These new programs will be designed to have maximum impact upon the major goals of the JJDP Act. OJJDP coordinates its planning with the National Institute of Justice, the Bureau of Justice Assistance, the Office for Victims of Crime, and the Bureau of Justice Statistics, with policy coordination by the Assistant Attorney General for the Office of Justice Programs (Section 102(a)(5) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3712(a)(5)).

Continued emphasis will be placed on achieving and maintaining compliance with the statutory mandates through the State Formula Grants Program. Efforts to upgrade the skills of juvenile justice professionals and youth service providers; to identify, develop, and demonstrate effective service models; and to upgrade and expand essential juvenile justice data bases will also continue. Reducing delinquency and providing constructive interventions for troubled youth are high priorities. The evaluation of all programs will also continue to be a major priority as required by the JJDP Act.

In every aspect, OJJDP's Program Plan for Fiscal Year 1991 will be carried out with the expectation that we can, should, and will improve life for America's communities, families and youth. They deserve our best efforts.

Fiscal Year 1991 Program Planning Activities

The OJJDP program planning process for Fiscal Year 1991 is closely coordinated with the Assistant Attorney General and the Bureau components of OJP. In addition the following steps are taken:

- Internal review of existing programs by OJJDP staff
- Review of information and data from OJJDP grantees and contractors
- Review of information contained in State comprehensive plans
- Review of comments made by youth services providers, juvenile justice practitioners, and researchers in program development seminars

conducted in conjunction with the 1991 Program Plan

• Consideration of suggestions made by juvenile justice policy makers concerning State and local needs, and,

• Consideration of all comments received during the period of public comment on this proposed Program Plan.

During this 45-day period of public comment, OJJDP will continue development of its Fiscal Year 1991 Program Plan in close coordination with the Assistant Attorney General and the Bureau components of the Office of Justice Programs.

Discretionary Program Activities

Discretionary Grant Continuation Policy

OJJDP has listed those part C and D projects currently funded and subject to continuation funding in Fiscal Year 1991. Continuation funding consideration for current discretionary grant programs for new project periods will be based upon several factors. These include: Availability of funds, the extent to which the projects respond to the applicable requirements of the JJDP Act, responsiveness to the OJJDP and OJP Fiscal Year 1991 Program Plan priorities, compliance with performance requirements of prior grant years, compliance with OJP fiscal and regulatory requirements, and any special conditions of award. Continuation funding for a new budget period within an existing project period depends upon grantee compliance with established conditions of eligibility for additional budget period funding.

With the exception of Part D and training programs funded under part C, section 244, all programs recommended for continuation funding for a new project period must be found to be of outstanding merit by a majority of peer reviewers in order to be eligible for an award without competition. Training programs otherwise eligible for continuation award without competition, will require both peer review and a written determination by the Administrator that the applicant is uniquely qualified to provide the proposed training services and that other qualified sources are not capable of providing such services.

Proposed Programs

The programs listed below are arrayed in accordance with the OJP priorities:

—Intermediate Sanctions/User Accountability
—Gangs and Violence
—Evaluations
—Prevention and Education
—Multi-Jurisdictional Task Forces
—Community Based Policing
—Community Based Programs
—Drug Testing
—Victims
—Obscenity/Child Pornography
—Cross-Cutting Initiatives

The following are brief summaries of each of the proposed new and continuation programs planned for Fiscal Year 1991. The specific programs to be funded within each category are proposed programs and are subject to change.

Intermediate Sanctions/User Accountability

$925,000

New Programs

Boot Camps for Juvenile Offenders; Constructive Intervention and Early Support: The guideline for this initiative was issued in fiscal year 1990, and the deadline for submission of applications was October 30, 1990. The funding for this new program will, therefore, occur in fiscal year 1991. The purpose of the program is to develop and test boot camps that are focused on adjudicated, non-violent, juvenile offenders who are under 18 years of age. The program will: Serve as a criminal sanction; promote strong ethical and moral values such as honesty, personal integrity, positive self-image, and responsibility towards others and for one's own actions; increase academic achievement; provide discipline through physical conditioning and team work; include activities and resources to reduce drug and alcohol abuse among juvenile offenders; encourage participants to become productive law-abiding citizens; promote literacy by using intensive, systematic phonics; and instill a work ethic among juvenile offenders. Up to three sites will be funded under this initiative.

Continuations

Restitution: This program promotes restitution as a viable disposition by providing training, technical assistance, and information about restitution to courts and juvenile justice practitioners. This project provides training, technical assistance, and guideline information to juvenile courts, and to other juvenile justice agencies for the development, implementation, and improvement of restitution programs. The project fosters expansion of restitution as an accountability-based juvenile justice disposition. Over several years of operations Restitution Education, Specialized Training and Technical Assistance has retained expert personnel, conducted numerous training events, and developed instructional materials for the initiation, management and evaluation of juvenile restitution programs. The most recent award will support a state-of-the art assessment of the latest developments, and training or technical assistance needs, in the field of juvenile restitution. It will also provide for an update and revision of the *1987 National Directory of Juvenile Restitution Programs.*

Gangs and Violence

$3,500,000

New Programs

City of Portland, Oregon Comprehensive Gang Demonstration Project: The Conference Report covering the appropriations for the United States Department of Justice dated October 20, 1990 (Congressional Record, H 10877) provides for at least $500,000 in funding of the City of Portland's "comprehensive demonstration project targeted for youth affected by street gangs in the Portland Metropolitan area" with the State of Oregon providing $1,500,000 in matching funds to support this effort.

Continuations

National Youth Gang Suppression and Intervention Project: The purpose of this program is to develop effective, comprehensive approaches to suppress, control, and treat criminality among chronic and emerging youth gangs. It will focus on community-based programs to "take back the streets" and school zones from drug dealers in high crime areas. The program has (1) identified and assessed selected programmatic approaches; (2) developed models based on the existing approaches; and, (3) is in the process of developing training and technical assistance materials to transfer the models. Fiscal Year 1991 funding will support training and technical assistance to selected sites. In addition, if resources are obtained from other agencies, the models will be tested in selected sites.

Teens, Crime and the Community; Teens in Action in the 1990s: This is a continuation of a program funded to a national crime prevention agency. The initiative is designed to reduce teen victimization by actively engaging teens in helping to improve their schools. The program will be expanded to include teen victimization programs for rural and Native American populations, and institutions in the juvenile justice system. The program will also provide training, technical assistance, program replication and dissemination materials to significantly increase the capacity of

schools and other institutions to prevent juvenile victimization.

Targeted Outreach With a Gang Prevention and Intervention Component: This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members who are very early in their careers in an effort to divert them from gangs. The National Office of Boys and Girls Clubs will provide training and technical assistance to 30 local Clubs to prevent juveniles from entering gangs and to three local clubs to help them develop the capacity to intervene with gang youth. These efforts will be demonstrated during Fiscal Year 1991 and information about the programs will be disseminated to other clubs and to the field in general as experience is gained in implementing these models.

Youth Gang Intervention Training: The objectives of the training program are: (1) To provide a process for community leaders to recognize the benefits of cooperatively developing a strategy to effectively address the problems resulting from gang/drug activities; (2) to promote an awareness and recognition of (a) the problem of gangs and drugs; (b) justice system practices; (c) behavior patterns of gangs and gang members; and (d) current system practices and demonstration projects; (3) to provide strategies and techniques for public and private interagency partnerships dealing dynamically with community gang/drug related problems; (4) to clarify and document the legal roles, responsibilities and issues relating to an interagency approach to the prevention, intervention and suppression of the illegal activities of youth gangs; (5) to encourage leadership and innovation in the management and resolution of gang/drug problems; and (6) to develop or improve the response capacity to gang/drug issues through an effective interagency model which fosters the matching of resources to demands.

School Safety: The purpose of this program is to provide training and technical assistance on school safety to elementary and secondary schools, as well as to identify methods to diminish crime, violence, and illegal drug use in schools and on school campuses with special emphasis on outreach to ethnic minorities and gang-related crime. The National School Safety Center (NSSC) maintains a library and clearinghouse with specialized information; does research on school safety issues and develops publications and training programs that are utilized by educators, law enforcement officers, lawyers, judges, other juvenile and criminal justice personnel and key civic, professional and governmental leaders throughout the Nation. NSSC makes site visits to local schools and school districts to assist with a wide variety of problems, from safety of the physcial plant to determining whether there is gang activity at a location. School safety plans are also developed for cites. NSSC also maintains and directs a national school safety information network representing 50 states and the District of Columbia and is affiliated with most associations in the field, making their expertise sought after at a variety of national meetings where they either provide training to practitioners or participate in policy development. OJJDP will work with NSSC over the next two years to facilitate transition of the Center into a mode of self-sufficiency.

Schools and Jobs are Winners: This is a gang prevention program in Philadelphia focusing on high school students in grades ten and eleven who are in gangs; have family members who belong to gangs; are involved with drugs or alcohol usage; were abused or neglected; or were arrested by police. The project will also include funding by the Private Industry Council of Philadelphia. The goals of the project are to prevent high school students from dropping out of school and joining gangs, by providing educational, recreational and social services; and by providing supportive services to families of at-risk youths and extremely disadvantaged youths. The objectives of the program are to prevent youths from involvement in gang related, anti-social activities; to reduce the alcohol and drug usage by these youths; to increase the potential for these youths to remain in school; to reduce the incidence of police involvement with these youths; and to provide supportive services to the youths' families so that they can achieve in school and in their jobs.

Program Evaluation

$1,400,000

New Programs

Evaluation of the Cities in Schools Partnership Plan Phase V Program: This effort is designed to evaluate the national drop-out prevention model that is being implemented by Cities in Schools, Inc. Cities in Schools, Inc. provides training and technical assistance to local communities to enable them to adapt and implement the Cities in Schools model. The model focuses on social service, employment, mental health and other resources on high risk youth in the school setting. Individualized plans are developed for each youth and needed remedial education, social and other services are provided to the youths and their families. The Office of Juvenile Justice and Delinquency Prevention, United States Department of Labor, and the United States Department of Education will jointly design and fund this evaluation effort.

Independent Evaluations: It is the intention of the Office to initiate a contract or other appropriate arrangement to conduct independent evaluations of OJJDP funded programs. This will establish a concerted, continuous effort to learn, in the following order of priority: Efficacy, cost-effectiveness, and impact of the discretionary programs. Reported findings, including strengths, weaknesses and other assessment data will be made available to all concerned. The following criteria will determine the sequence of programs selected for evaluation: (1) Continuations in order of number of years of funding and total expenditure; (2) new action programs being tested to serve as possible models, and (3) new and continuing programs requiring decisions regarding continuation.

Impact Evaluation of Youth Gang Intervention Training: An independent impact evaluation will be funded as part of the Interagency agreement developed with the Federal Law Enforcement Training Center.

Evaluation of Law-Related Education's Impact on Delinquency Prevention: The OJJDP National Training and Dissemination Program for Law-Related Education (LRE) has been regularly funded by OJJDP. Each year the program is reported as having a definitive delinquency prevention effect if used properly in the class-room.

A "Request for Proposals" to study the impact of LRE on delinquency prevention will be completed and disseminated in the coming months. The study will examine the effects of LRE in different class-room settings and in juvenile justice correctional settings to conclusively determine whether teaching about the law and the legal and political processes can reduce delinquent behavior. This study would necessarily be multi-year in coverage to ensure that all methodological problems and issues are addressed.

Evaluation of the Juvenile Firesetter/Arson Program: The Juvenile Firesetter/Arson program continuation, which is described in the Prevention and Education section of this plan, calls for the funding of test sites. In addition to jointly funding these test sites, OJJDP

and the Federal Emergency Management Administration's Fire Administration will jointly fund an evaluation of the implementation of the program in the test sites. A solicitation will be issued requesting applications from an independent evaluator to conduct the evaluation.

Prevention and Education

$6,678,666

New Programs

Satellite Pre-School and Early Elementary Schools for Privatized Public Housing: This program is designed to address the need for early childhood education for children who reside in public housing. Addressing their educational needs will increase the possibility of success for these children and reduce the chances that these youths will drift into a life of crime and/or drug and alcohol abuse. As envisioned, the proposed program will look very much like the old one-room school house. The program will serve the needs of public housing resident children from nursery school up through the fourth grade of elementary education. The model would build upon programs like the Chicago-based program developed by Marva Collins. It would include a focus on individual attention for the youth, high motivation materials and approaches that focus on traditional values. It is hoped that this program could be linked to a private business and foundation's efforts that would provide a continuum of educational and employment services to the public housing youth into the later elementary, junior and senior school years. For example, efforts would be made to establish programs like the "I Have a Dream" program which provides scholarships to a class of elementary school youth. This program will be coordinated with the Department of Health and Human Services and the Department of Education.

Improving Literacy Skills of Institutionalized Juvenile Delinquents: Juvenile delinquents in correctional institutions have a serious need to develop basic reading and writing skills. This program will improve the literacy levels of juvenile residents in these facilities while creating a national network of trained reading teachers and volunteers available to juvenile correctional facilities. This program will include training, technical assistance, and development of curricula for use by staff of detention and correction facilities. The program should improve correctional education and the delivery of appropriate services to incarcerated juveniles. This program will be coordinated with the Department of Education.

Improving Conditions of Confinement: Training for Juvenile Corrections Staff: OJJDP will initiate a comprehensive training program for juvenile corrections staff through an interagency agreement (IAA) with the National Institute of Corrections (NIC). The program will be designed to develop a core curriculum or adapt existing curriculum to provide training for juvenile corrections administrators and mid-level management personnel in such areas as drug testing and gang activity. The development of a core curriculum for juvenile corrections training would entail a national assessment of juvenile corrections training needs to be conducted by the NIC, development of the curriculum to address the needs, curriculum review by OJJDP and a Corrections Training Review Panel, field testing and implementation. Although the NIC has in place correctional training programs that are generic enough to meet some juvenile correctional needs, they need to provide an opportunity for additional juvenile program staff participation. The IAA with the NIC will insure that beyond the development of the core curriculum and implementation of the training, additional opportunities will be made available for juvenile corrections personnel. It is anticipated that the juvenile corrections core training will be conducted both at the NIC Academy and along with the more issue-oriented training done regionally.

Family Strengthening: This program initiative will be directed toward the development and support of programs which strengthen and maintain the family unit in order to prevent or treat juvenile delinquency. It will begin with research to analyze how families function effectively, including such factors as parent-child dynamics, nurturing, and family-community involvement, that may be correlated with delinquency prevention. As part of this initiative, OJJDP will sponsor a National Conference on Strengthening the Family.

Continuations

Juvenile Court Training: The primary purpose of this project is to allow the National Council of Juvenile and Family Court Judges to continue and refine the training presently offered and to provide technical assistance. The training objectives are to supplement law school curricula, provide judges with current information on developments in juvenile and family case law and options for sentencing and treatment. Specifically, emphasis will be placed in the areas of drug testing, gangs and violence, intermediate sanctions, as well as responding to the problems of unemployability, illiteracy and family dysfunction. This project will provide foundation training both to newly elected or appointed judges and to experienced judges who have been newly assigned to the juvenile or family court bench.

Technical Assistance to the Juvenile Courts: The National Center for Juvenile Justice (NCJJ) is the research division of the National Council of Juvenile and Family Court Judges. Serving as a direct resource for the members of the Council, the NCJJ provides valuable technical assistance to juvenile court practitioners. Modes of assistance include off-site consultation, cross-site consultation, and on-site consultation. The work force for this project includes staff at the Center, along with juvenile court judges who are members of the Council. The general areas around which assistance is provided include: Court administration and management, program development, court decision making, legal opinions, due process, and case law. Emphasis will be placed on intermediate sanctions such as boot camps, and on appropriate dispositional alternatives for handling juveniles involved in gang activity.

Juvenile Justice Training for Court Personnel: This program provides specialized workshops to help juvenile justice court personnel improve their skills in processing juveniles through the justice system. The National Center for State Courts, Institute for Court Management conducts education and training programs for juvenile justice practitioners and others involved in the administration and management of the courts. The purpose of these education and training programs is to improve the management and administration of the courts in the U.S. through education and research. NCSC/ICM has conducted numerous studies of the juvenile courts. This program will focus upon the completion of an assessment of juvenile court management staff training needs as a basis for development of a broader based program design to significantly upgrade skills of juvenile court staff.

National Juvenile Firesetter/Arson Control and Prevention Program: The purpose of this program is to develop models and provide training and technical assistance to communities to prevent juvenile firesetting and arson. An assessment report, policies and procedures manual and training curriculum have been developed. During the next funding phase of the program, four sites will be identified to implement

the model program. Training and technical assistance will be provided to these selected sites. Under a separate solicitation, an evaluator will be selected, though a competitive process, to evaluate the program.

Training and Technical Assistance for Juvenile Detention and Corrections: This project will continue to provide technical assistance and training to juvenile correctional and detention agencies. It will also provide a national forum on juvenile corrections to include juvenile court judges and probation officers; develop a resource guide designed to increase literacy among youth involved in the juvenile justice system, assist in the development of standards for all juvenile justice facilities and produce a second edition, *Guideline for the Development of Policies and Procedures: Juvenile Detention Facilities.* Emphasis will be placed on intermediate sanctions for handling juveniles involved in drug related offenses and gang activity.

Law-Related Education (LRE): Since 1978, the Office of Juvenile Justice and Delinquency Prevention has funded a national law-related education (LRE) effort. The Law-Related Education National Training and Dissemination Program involves five national LRE projects and programs which operate in 47 States. The purpose of this program is to provide training and materials to State and local school jurisdictions to encourage and guide them in establishing LRE delinquency prevention programs in the curricula of grades kindergarten through 12 and in juvenile justice settings. Emphasis will be placed on drug abuse prevention programs in primary, middle and secondary schools. The major components of the program are: Coordination and management, training and technical assistance, preliminary assistance to future sites, public information, program development, and assessment.

Student Initiated Drug Prevention Training: This program is a drug prevention program that uses peer counseling and professional athletes to combat peer pressure and to influence other youngsters to refrain from abusing alcohol and drugs. It operates in three phases: A training session is held for school personnel and parents to introduce them to the Super Teams concept and familiarize them with the various elements of a five-day training session to be held for participating youngsters. In the second phase the youngsters are taken on a retreat and receive five days of intensive training on peer counseling techniques; pressures of adolescence; and drug prevention methodologies; and receive information on the effects of drug and alcohol abuse and AIDS. Students pledge to be drug free and seek out and recruit other members to join the program when they return to school. Phase III is the on-going program back at the school where students take the lead in developing school-wide activities for other youngsters, conducting a "rap room" and providing peer counseling, and working with feeder schools in the area to prevent inappropriate behavior by younger children. During the next year, the program will be documented for replication and a training manual will be developed to support dissemination.

Career Development: The program gives high-risk youths an opportunity to assess their interest in and potential for careers in the criminal justice system and the National Park Service. The purpose of Law Enforcement Exploring is to educate and involve youths in police or other justice system operations, to interest them in possible law enforcement careers, and to build understanding between youths and law enforcement personnel. An added program component in Fiscal Year 1990 was the introduction of youths to career opportunities in the National Park Service. The youths participating in the Exploring program render hands-on assistance to their host agencies or organizations (state and local police departments, U.S. Park Service, U.S. Customs, etc.). The youths also receive hands-on training from their host agencies.

Juvenile Corrections Industries Venture Program: The purpose of this program is to assist juvenile corrections agencies in establishing joint ventures with private businesses and industries in order to provide new opportunities for vocational training of juvenile offenders. An assessment of corrections ventures programs will be completed by January 30, 1991. The next stage of funding will permit the development of a corrections ventures model, a policies and procedures manual and training and technical assistance materials.

Partnership Plan, Phase V: This program is a continuation of a national school drop-out prevention model that is being implemented by Cities In Schools, Inc. (CIS). CIS provides training and technical assistance to States and local communities to enable them to adapt and implement the CIS drop-out prevention model. The model focuses social, employment, mental health and other resources on high-risk youths and their families at the school level. Individualized plans are developed for each youth, and needed remedial, education, social and other services are provided to the youths and their families. This program is jointly funded by OJJDP, the United States Departments of Labor, Health and Human Services and Commerce.

Juvenile Justice Training for Prosecutors: The project's activities include designing and implementing policy development workshops for chief prosecutors, and for juvenile unit chiefs in district attorney offices, to support their role in juvenile court processing of delinquent offenders. Materials will be collected for the preparation of a training manual on policy issues pertaining to the prosecution of juvenile offenders and the project will continue to issue a newsletter. To date, NDAA has presented three workshops designed to expand prosecutor involvement in juvenile justice. All three were rated highly successful by the participants. The project will address juveniles involved in serious and violent crime, as well as drug and gang related activity, with emphasis on intermediate sanctions such as drug testing and restitution.

Multi-Jurisdictional Task Forces

$800,000

Continuations

Serious Habitual Offender Comprehensive Action Program (SHOCAP): SHOCAP is an information and case management program on the part of police, probation, prosecutor, social service, school, and corrections authorities that enables the juvenile justice system to focus additional attention on juveniles who repeatedly commit serious crimes, with particular attention given to providing relevant case information for more informed sentencing dispositions. The training and technical assistance provider is assisting 20 jurisdictions with the implementation of this model by providing intensive training and follow-up technical assistance. The provider also serves as a clearinghouse for information on the model which non-participating jurisdictions can access.

Community Based Policing

$1,137,000

New Programs

Incarceration of Minorities: A limited number of demonstration grants will be awarded to develop, test, and disseminate information on programs designed to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional

facilities, or jails and lockups who are members of ethnic and minority groups where such proportion exceeds the proportion such groups represent in the general population.

The purpose of the program is to help jurisdictions identify the extent and nature of overrepresentation of minorities in the juvenile justice system and thereby develop practical guidelines for responding to the problem from police arrest through disposition. The overall goal of the program is to provide State and local practitioners and professionals with the necessary skills and information to adopt and implement model processes for determining if the juvenile justice system handles juveniles differently based on minority status, and identify resources and strategies to respond to problems identified.

Training in Cultural Differences for Law Enforcement Officials: The purpose of this program is to provide law enforcement officials at the most crucial levels of interaction with juveniles with specialized training relative to racial, cultural and ethnic issues. The program will be designed to enhance the sensitivities of juvenile probation officers, police officers and judges regarding, *inter alia*, racial, cultural and ethnic values and differences which impact on those officials' effectiveness. The end-product will be an expertly designed curriculum which can be adapted for use in a broad range of juvenile justice training programs. In developing the training modules, the grantee will work consultatively with several current OJJDP grantees that have training components, such as the Federal Law Enforcement Training Center, the National Family and Juvenile Court Judges Association, the National Institute of Corrections, and the American Probation and Parole Association.

Continuation

Juvenile Justice Training for Law Enforcement Personnel: This project provides technical assistance and training to promote a better understanding of the juvenile justice system to national, state and local law enforcement agencies. Five training programs are offered through this project. They include: Police Operations Leading to Improved Children and Youth Services (POLICY) which has two components: POLICY I introduces law enforcement executives to management strategies to integrate juvenile services into the mainstream of their operations, while POLICY II helps mid-level managers build on these strategies and demonstrates step-by-step methods to improve police productivity in the juvenile justice area. This program provides law enforcement officers with state-of-the-art approaches for building a case against those individuals charged with child abuse, sexual exploitation, and the abduction of missing children. Managing Juvenile Operations provides a series of training programs for police executives which demonstrates simple, yet effective methods to increase departmental efficiency and effectiveness by integrating juvenile services into the mainstream of police activity. School Administrators for Effective Police, Probation, and Prosecutors Operations Leading to Improved Children and Youth Services (SAFE POLICY) brings together the chief executives of schools, law enforcement, prosecution, and probation to promote interagency cooperation and coordination in dealing with youth-related problems.

Community Based Programs

$2,400,000

New Programs

The Native American Alternative to Incarceration Venture (NAATIV): This effort will be designed to build upon the OJJDP'S currently funded study of juvenile justice on Native American reservations that is being conducted by the American Indian Law Center in Albuquerque, New Mexico. A planning process will be developed that will utilize the findings of the study to develop programs that respond to the high levels of incarceration of Native American youths by developing sound, culturally relevant alternatives to incarceration which can then be implemented and tested on a number of Native American reservations. This fiscal year's funding will only support the planning process; implementation and testing would occur in fiscal year 1992.

Anti-Drug Abuse Prevention—Technical Assistance Voucher Project: This project will provide technical assistance to 15–25 neighborhood-based organizations which have established anti-drug abuse projects to enhance their capacity to serve high-risk youth and serious juvenile offenders. Neighborhood groups will apply to the grantee for vouchers ranging from $1,000–$10,000 depending on their needs. They will present their own plans and design for the requested technical assistance, which will be evaluated and refined by the grantee. This method of technical assistance delivery will allow these neighborhood groups to secure technical assistance inexpensively from sources that are compatible with both their programs and their specific community characteristics.

Continuations

Reaching At-Risk Youth in Public Housing: Boys and Girls Clubs of America have established seven Boys and Girls Clubs in Public Housing across the nation under the existing cooperative agreement with OJJDP. These programs are designed to provide needed services to the high-risk youth who live in public housing, thereby preventing their involvement in delinquency, drug and alcohol abuse and gang involvement. During Fiscal Year 1991 additional sites will be established and training and technical assistance will be made available to other Boys and Girls Clubs and public housing authorities who wish to establish clubs. Also, as part of this program the Boys and Girls Clubs developed a curriculum on their targeted public housing outreach program for the Federal Bureau of Investigation's Drug Reduction Coordinators (DRC). Following an intensive training session, the DRCs are now working with the Boys and Girls Clubs in 58 jurisdictions to establish Clubs in public housing or to assist other Boys Clubs activities in these communities.

Intensive Community-Based Aftercare Program: This program is designed to develop a juvenile aftercare model which can be tested in the juvenile justice system. Under this program an assessment has been completed and a final draft assessment report has been submitted to OJJDP. By mid-January the model juvenile aftercare program, which builds on the assessment material, will be developed and related policies and procedures will be completed. This next stage of funding will permit the completion of training and technical assistance materials, and enable the testing of the training materials in one or two sites. Depending on availability of resources, the model may be tested in fiscal year 1992.

Promising Approaches for the Prevention, Intervention and Treatment of Illegal Drug and Alcohol Use Among Juveniles: The purpose of this program is to provide communities with the necessary skills and information to adopt and implement promising approaches for the prevention, intervention and treatment of chronic juvenile drug and alcohol abuse. Under this program, an assessment of promising prevention, intervention, treatment and aftercare programs has been completed. Several components of program models for each category have been completed, as well as the related

training and technical assistance materials. The additional funding in fiscal year 1991 will permit the completion of all the components for the respective community-based models and the related training and technical assistance. If funds can be obtained from other Federal agencies, OJJDP will proceed to test the models.

Research on the Causes and Correlates of Delinquency and Non-Delinquency: This longitudinal cohort study by three coordinated projects, now in its fifth and scheduled final year, has been directed to improving the knowledge base regarding positive, delinquent, or drug using behaviors of juveniles in the context of the family, school and individual. Factors will be identified that promote as well as inhibit involvement in delinquency, leading to effective design of intervention activities. A summation report is planned for use by program developers and operational leaders.

Drug Testing

$75,000

Continuations

Drug Screening and Testing: This program, funded for 18 months, addresses illegal drug use among high-risk youths. It has been designated as a program priority area and is intended to expand upon two OJJDP-sponsored initiatives (Drug Testing Guidelines for the Juvenile Justice System and Drug Identification Program for Juvenile Probation and Aftercare) by the American Probation & Parole Association (APPA) and the Council of State Governments. Program goals and objectives include: Developing a comprehensive drug identification, screening and testing program for juvenile justice to include training curricula for juvenile justice policy makers, administrators, and direct service professionals. Upon review of the final publication, consideration will be given to national dissemination and a conference on drug testing.

Drug Control: This interagency agreement with the Department of Education supports developing, implementing, and evaluating a comprehensive drug information/rehabilitation training program for counselors of State vocational rehabilitation agencies. The goal of this program is to enhance referrals and, ultimately, to employ eligible youths, ages 14–18, who have been drug dependent. This program is in response to President Bush's "War on Drugs" and the prevailing interest to be proactive in rehabilitating youth with a history of drug dependency.

Victims

$1,725,000

Continuations

Advocacy for Abused and Neglected Children: The National Court Appointed Special Advocates Association (NCASAA) provides training and technical assistance to local and statewide programs. It assists in program development, advocates for the best interest of abused and neglected children, publicizes the CASA concept which helps recruit volunteers, develops management systems and standards to improve local CASA operation, provides a resource library and resource services, gathers and publishes information about the needs of the CASA network and operation, develops cooperative relationships with other national and regional organizations, and performs a variety of related services in furtherance of its goal of assuring that every child who needs one has a CASA. There are now 412 CASA programs in 47 States, with 15,000 volunteers. There are twelve statewide programs mandated and state-funded, and 23 state associations and networks offering support services to their state's program. NCASAA is the only national organization whose sole purpose is to expand the quantity and quality of CASA programs in the United States.

Permanent Families for Abused and Neglected Children: This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children already in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose of this project is to ensure that foster care is utilized only as a last resort and temporary solution for children. Accordingly, the project is designed to ensure that government's responsibility to children in foster care is duly acknowledged by all appropriate disciplines. The project will continue to call upon judges, social service personnel, citizen volunteers, attorneys, and others to recognize and resolve the problems of children in foster care. Project activities include national training programs for judges, social service personnel, citizen volunteers and others in the Reasonable Efforts Provision of Public Law 96–272, training in selected Lead States, and development of model questions to guide risk assessment.

Victims and Witneses Development Program: This project aims to help local juvenile justice agencies and other human service providers develop model programs and services for victims and witnesses of juvenile crime. Developmental materials, such as an assessment report, policies, and procedures manual and training curriculum have been developed. In the next funding phase, the model program will be tested in four sites. The sites will receive training and technical assistance, and on-site monitoring visits by the technical assistance provider. The sites will provide caseload data on their clients, services and implementation experiences across sites. The data, in combination with the information collected during the monitoring visits, will comprise a process evaluation of the program.

The Investigation and Prosecution of Child Abuse: This program is designed to provide training and technical assistance to prosecutors and related professionals on the issue of child abuse prosecution. The project also serves as a clearinghouse of child abuse prosecution issues.

Obscenity/Child Pornography

$250,000

New Programs

National Public/Private Child and Family Protection Law Center: This public/private national law center will assist state and local public officials, legislators, law enforcement, prosecutors, courts, parents and children to prevent the escalating child sexual exploitation and child pornography. The Center will do this by conducting legal research, drafting model legislation and providing training and technical assistance to law enforcement, social service providers, prosecutors, policy-makers and legislators on the issues of prosecution and prevention of child sexual exploitation, child prostitution and child pornography.

Cross-Cutting Initiatives

$4,588,719

New Programs

Fellowship Program: Acting through the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP will begin a Fellowship Program which will provide grants of varying amounts to individuals for independent scholarly study in the field of juvenile delinquency while in residence at OJJDP. The areas of study may include developing new knowledge, evaluating existing or proposed juvenile justice system policies and practices, or developing state-of-the-art information in areas specified under Section 243(1) of the JJDP Act, 42 U.S.C. 5653(1).

The OJJDP Fellowship Program includes: the Visiting Fellowship, the Graduate Research Fellowship, and the Summer Research Fellowship. Each fellowship program selection will be based on a competitive review and evaluation of proposals for independent study on policy-relevant issues in the juvenile justice field for specific populations (juvenile justice practitioners, new Ph.D.s, graduate students, and senior researchers). Each fellowship application will be expected to meet the criteria specified in the procedures and requirements of the OJJDP Fellowship Program. Fellowships will vary in length and amount.

Field-Initiated Programs: OJJDP is proposing a program designed to increase the capacity of State and local governments, public and private youth-serving agencies, and neighborhood organizations or community groups to prevent delinquency, develop and use alternatives to the juvenile justice system, and improve the administration of juvenile justice. The Program to Prevent Juvenile Delinquency will provide competitive awards to researchers, practitioners, and policy makers who have innovative ideas to address areas that do not fall within the scope of other Fiscal Year 1991 grant programs funded by OJJDP. The award of these grants will be closely coordinated with the Assistant Attorney General of the Office of Justice Programs. Any grant funded under this program will follow a regular review cycle of concept paper to proposal application to peer review and competitive selection.

Model Program Identification and Dissemination: The Office will actively identify and package promising or proven program models. Every effort will be made to provide them to State and local jurisdictions. Additionally they will be incorporated into OJJDP's technical assistance and training activities. As part of this effort, the OJJDP Administrator has restablished OJJDP's program of "Recognition of Outstanding Juvenile Justice Programs." The National Coalition of State Juvenile Justice Advisory Groups has agreed to participate with State Advisory Groups in developing the nominating process and in recommending programs for OJJDP recognition.

Comparative Research on Recidivism Reduction in Juvenile Delinquency and Substance Abuse Treatemnt Programs: This research program will conduct a special study of juvenile delinquency and substance abuse treatment programs. Programs which include instruction in strong ethical and moral vlaues such as honesty, integrity, respect for authority, and responsibility for one's actions, will be examined and compared with programs lacking or with minor inclusion of this component. Public and private programs will be included in the study and examplary programs identified.

Continuations

National Juvenile Court Data Archive: The purpose of this program is to collect, process, analyze, and disseminate available data concerning cases handled by the Nation's juvenile courts. The Archive provides direct assistance to jurisdictions in analyzing their juvenile court data, yielding better case flow management and more effective allocation of resources. Specific emphasis will be given to the collection and analysis of data involving gang-related offenders within the court system, and minority offenders, in terms of resources expended and the types of dispositions, such as intermediate sanctions.

Children in Custody Census: This biennial census of public and private juvenile detention and correctional facilities is conducted by the Census Bureau to describe the subject facilities in terms of their resident populations as well as their programs and physical characteristics.

Juveniles Taken Into Custody: This continuing statistical program provides an annual report to the Congress giving a detailed summary and analysis of the most recent data available regarding the numbers and characteristics of juveniles taken into custody during the preceding fiscal year, including data on ethnic background and gang membership.

Research on the Juvenile Justice Systems in American Indian and Alaskan Native Communities: This project will study and describe the juvenile justice systems and procedures and particularly the treatment of accused juveniles in the communities which have law enforcement functions. It will also determine the amount of financial resources available to support community-based alternatives to incarceration. Final-Finally, it will study the extent to which deinstitutionalization of status offenders and removal of juveniles from adult secure institutions are applied.

Information Center: This program provides support services to OJJDP in preparing and disseminating information on all aspects of juvenile delinquency. It also responds to information requests from the juvenile justice field.

Insular Area Support: The purpose of this program is to provide supplemental financial support to the Virgin Islands, Guam, American Samoa, Palau and the Commonwealth of the Northern Mariana Islands in accordance with Section 224 of the JJDP Act, as amended.

Non-Participating State Initiative: The purpose of this program is to make funds available to non-participating States in accordance with Section 223(d) of the JJDP Act, as amended.

OJJDP Technical Assistance Support Contract: The purpose of this project is to provide technical assistance and support to the Office of Juvenile Justice and Delinquency Prevention, the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in all research, program development, evaluation training, and research utilization activities.

National Coalition of State Juvenile Justice Advisory Groups: The National Coalition of State Juvenile Justice and Delinquency Prevention Advisory Groups was established in 1983 to create an organization that would support and facilitate the purposes and functions of state juvenile justice and delinquency prevention groups. In 1984 Congress also required the National Coalition to prepare and submit an Annual Report to the President, the Congress and the OJJDP Administrator that reviews Federal policies regarding juvenile justice and delinquency prevention. The coalition is also required to disseminate information, data, standards, and advanced techniques.

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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November 28, 1990

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Single Family Property Disposition; Demonstration Program for Sale of Properties to Nonprofits and Governmental Entities; Final Notice of Demonstration Program

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-90-3102; FR-2835-N-02]

Single Family Property Disposition; Demonstration Program for Sale of Properties to Nonprofits and Governmental Entities

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final notice of demonstration program.

SUMMARY: This Notice announces the effective date of a demonstration program announced on August 9, 1990 (55 FR 32562), and invites proposals for the sale of HUD-acquired single family properties to private nonprofit organizations and governmental entities for resale to low- and moderate-income families. The purpose of the demonstration is to test the cost-effectiveness of an alternative way of reducing the inventory of HUD-acquired properties consistent with the need to preserve neighborhoods and promote homeownership opportunities.

EFFECTIVE DATE: November 28, 1990. HUD field offices will accept proposals for the acquisition of properties for six months following the date of this publication. Approved participants may continue to acquire properties in their approved demonstration neighborhood for up to one year from the date of this publication, provided the demonstration cap of 1500 properties nationwide is not exceeded.

FOR FURTHER INFORMATION CONTACT: Marion F. Connell, Single Family Property Disposition Division, room 9172, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; (202) 708-0740 or, for hearing and speech-impaired, (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this Notice with respect to proposals for the acquisition of properties have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, and have been assigned OMB Control No. 2502-0444. The information collection requirements with respect to data on the ultimate owner-occupant purchasers have been assigned OMB Control No. 2502-0059, and on the costs of rehabilitation, OMB Control No. 2502-0111.

I. Background

Title II of the National Housing Act (the Act) authorizes HUD to insure mortgages for single family residences through the Federal Housing Administration (FHA) single family mortgage insurance program. The mortgages are insured through revolving funds, which provide the money to pay insurance claims to lenders on defaulted mortgage loans. The funds are replenished by mortgage insurance premiums, income from the investment of moneys held by the funds, and proceeds from the sales of homes that HUD acquires, either by foreclosures or voluntary transfers, following default on the mortgages.

The disposition program for single family properties acquired by HUD in exchange for payment of an insurance claim is authorized by section 204(g) of the Act. Generally, the objective of the property disposition program is to reduce the inventory of HUD-acquired properties in a manner that ensures maximum net return to the mortgage insurance funds but is consistent with the need to preserve and maintain residential areas and communities. This objective, combined with the Secretary's priority of expanding homeownership and affordable housing opportunities and the national housing goal of a decent home and a suitable living environment for every American family, as set out in section 2 of the Housing Act of 1949, prompted the Department to announce this demonstration program on August 9, 1990 (55 FR 32562). The demonstration will explore a method of reducing the inventory of HUD-acquired properties, while stabilizing, preserving, and improving neighborhoods and providing a source of affordable homeownership opportunities for low- and moderate-income owner-occupants.

Under the demonstration, HUD field offices will review proposals from State and local governmental entities and private nonprofit organizations to purchase properties, on an all-cash basis, from the HUD-acquired inventory for ultimate resale to low- and moderate-income families. HUD anticipates that the program may become a permanent part of the single family property disposition program. HUD will conduct an evaluation of the demonstration commencing approximately six months from the date of this Notice. If the results of the evaluation indicate that the purposes of the demonstration have been accomplished, the Department will determine whether to continue the program on a permanent basis and issue a final rule.

For purposes of evaluating the impact on homeownership opportunities for low- and moderate-income buyers, the initial purchasers will be required to provide HUD with information on the family income, racial identity, sex, national origin, and household size of each owner-occupant. In addition, HUD will collect data on the rehabilitation costs for each property, how those costs are financed, and the ultimate sales price and terms of financing for the properties when resold.

HUD received 27 public comments on the August 9, 1990 Notice. Generally, the commenters favored the demonstration program. Two comments, however, were highly critical of the program, stating that the purchase price of the properties, even with a discount, and the costs of rehabilitation are too high for most governmental entities and nonprofits. One commenter believes that the program can work only if the properties are sold for 10 percent of the fair market value established by HUD or are given to applicants that will rehabilitate them and resell to low- and moderate-income buyers. The other commenter also criticized the requirement to purchase several properties, stating that this magnified the problems created by the all-cash sales and rehabilitation requirements. The commenter expressed the opinion that "FHA profiteering schemes" involving HUD appraisers and other personnel, rehabilitation contractors, realtors, and mortgagees were responsible for the destabilization of the neighborhoods targeted by the demonstration.

The Department recognizes that abuses and neglect in the past have contributed to major losses to the FHA insurance funds, as well as to the decline of neighborhoods across the country. However, the Department has instituted various initiatives to correct these past practices, such as improved accounting procedures, management accountability, and monitoring. In addition, the Department has vigorously pursued wrongdoers, and has sought and will continue to seek criminal convictions where warranted.

In a statement before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs on June 6, 1990, HUD Secretary Jack Kemp reported on the status of FHA, and proposed a strategy designed to strengthen FHA while still achieving the basic goal of providing homeownership

opportunities for low- and moderate-income homebuyers. As one part of the strategy, the Secretary proposed making administrative changes in the property disposition program, and further stated the need to achieve substantial savings by cutting the losses on foreclosures to improve the capital position of FHA during the 1990s. The Secretary asserted that the goal of the Administration is to restore FHA to actuarial soundness and financial strength.

Because of the need to protect the FHA insurance funds for future homebuyers, the Department must recoup as much as possible on properties on which it has paid an insurance claim. Selling propertites at 10 percent of fair market value or giving them away would frustrate the commitments the Secretary has made to restore FHA to financial soundness. It would also thwart the purpose of the demonstration to test the cost-effectiveness of an alternative way of reducing the inventory of HUD-acquired properties. The number of favorable comments on the demonstration program from governmental entities and nonprofit organizations leads the Department to conclude that there is interest in the program and that the goals of the demonstration may be achieved through partnerships with community-based groups committed to those goals.

Today's Notice announces the Department's responses to the public comments on specific aspects of the demonstration program. Interested applicants should read today's Notice in conjunction with the August 9, 1990 Notice for a complete representation of the program.

II. Public Comments

Eligible Properties

The August Notice of the demonstration announced that eligible properties for the demonstration will be limited to 1,500 vacant HUD-acquired single-family properties nationwide. The properties will be located in communities that have experienced economic downturns, resulting in a high number of foreclosures that have led to significant concentrations of vacant HUD-acquired properties in neighborhoods. The Notice announced that buyers would be expected to purchase a sufficient number of these properties in an area to achieve the objective of the demonstration.

Eligible properties must be located in a neighborhood with the following characteristics:

(1) A high concentration of HUD-acquired properties;

(2) A vacancy period that is longer than the average vacancy period for the area;

(3) An economically declining area, marked by severe, long-term unemployment; and

(4) A soft real estate market, with declining prices and values of residential property in the target neighborhood.

There is no minimum time that a property must have been in HUD's inventory before being eligible for sale through this demonstration. It is sufficient that the property is located in a neighborhood with the characteristics described above.

Properties built before 1978 are subject to section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4186), as implemented by HUD at 24 CFR part 35. Before a property is sold, HUD will inspect, and treat if necessary, all intact and non-intact painted interior and exterior surfaces for defective paint surfaces (*i.e.*, cracking, scaling, chipping, peeling, or loose paint). Unless the initial purchaser certifies that no children under seven years of age will occupy the property, the purchaser must cause the unit to be tested for lead-based paint on chewable surfaces before closing. (Chewable surfaces are all chewable, protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under seven.) Testing must be conducted by a State or local health or housing agency, by an inspector certified by a State or local health or housing agency, or by an organization recognized by HUD. Lead content must be tested by using an X-ray fluorescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm^2 or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint is identified on chewable surfaces, the entire interior or exterior chewable surface must be covered or the paint surface removed in accordance with the methods described in 24 CFR 35.24(b)(2)(ii). HUD will not allow the occupancy or resale of properties until proof of treatment, if necessary, has been submitted. Where testing reveals the presence of lead-based paint requiring abatement and the purchaser concludes that the cost of abatement would be beyond its means, the purchaser may cancel that part of the transaction relating to the affected property.

Properties listed on the National Register of Historic Places or located in a Historic District will be sold with appropriate deed restrictions. Properties located within a runway clear zone will be available for sale after it has been first offered to the airport authority, but purchasers will be required to sign an acknowledgement that they were given notice of the location. HUD will identify those properties that are located in areas with special flood hazards. Properties will be subject to review under 24 CFR Part 50, as appropriate.

Five commenters stated that the number of properties should not be limited to 1,500 nationwide. The Department is aware that homeownership opportunities for low- and moderate-income buyers are limited, but believes that the Secretary's duty to protect the FHA insurance fund requires that the effectiveness of the demonstration be evaluated before making more properties available. The Department will assess the effectiveness of the program and determine whether to expand this approach to providing affordable homeownership opportunities and stabilizing neighborhoods where a significant concentration of HUD-acquired properties exists.

The August 9, 1990 Notice did not place a limit on the minimum number of properties that must be bought by an applicant. This was the subject of several comments, all of which suggested that applicants should be required to acquire a minimum number, since only by purchasing a sufficient number of properties in an area could the objective of stabilizing, preserving, and improving the neighborhood be achieved. The Department agrees, and will require a minimum of five properties to be purchased by each applicant participating in the demonstration. Pricing discounts offered through this program are justified, in part, by the fact that the initial acquisition will be for a number of properties and in some instances will involve only one closing.

One commenter noted that some state housing finance agencies (HFAs) are prohibited by their enabling legislation from owning real estate, and suggested that they be allowed to acquire properties on consignment for rehabilitation and sale. Otherwise, the demonstration program requirement that governmental entities or nonprofit organizations purchase the properties for rehabilitation and resale to low- and moderate-income buyers would prevent those HFAs from participation. The Department is aware of this restriction on some HFAs, but believes that permitting the sale by consignment would be too uncertain for a demonstration program involving only 1,500 properties. The Department encourages affected HFAs to arrange for

another entity to take title to properties on their behalf and cooperate in administering a local program that would identify the ultimate low- or moderate-income buyers. This method has been used successfully for several years in the Urban Homesteading Program when similar circumstances exist.

Two commenters suggested that HUD include properties for demolition, making way for new construction in economically depressed neighborhoods. The commenters stated that since some properties have been condemned, it is not economically feasible to rehabilitate them, and new construction in those neighborhoods would be a sign of hope and vitality. Properties may not be acquired for demolition under this demonstration. The purpose of the program is to provide affordable homeownership opportunities for low- and moderate-income families as well as to stabilize and improve neighborhoods where concentrations of HUD-acquired properties are located. HUD properties may be purchased at fair market value for demolition, but such transactions will not be considered part of the demonstration. Jurisdictions wishing to acquire properties for demolition may use their Community Development Block Grant (CDBG) funds for that purpose.

HUD received two comments that generally opposed the creation of new "target neighborhoods," and suggested that HUD use the CDBG areas already in place to facilitate coordination with the local and Federal governments to address the problem. Two other commenters stated that the program should be available to all localities, whether or not all criteria for target neighborhoods are met, and three commenters would like the definition of neighborhood to include rural areas or smaller cities where properties are dispersed throughout the community rather than concentrated in neighborhoods. Finally, another commenter asked for a clearer definition of "neighborhood."

HUD believes that all criteria listed in the August Notice should be met. The demonstration program was designed to serve areas where a clearly defined set of circumstances prevails. It is not intended to serve scattered site acquisitions or all locations where HUD has an inventory of single family properties. By nature, demonstration programs have a specific purpose that may or may not be expanded, depending on future evaluation.

For purposes of this demonstration, a "neighborhood" is an area delineated by the applicant and designated for its program to upgrade residential structures that will be occupied by low- and moderate-income occupants. In determining the size of its demonstration neighborhood, the applicant should take into account the level of investment required as well as the resources available to have an impact in the area. A CDBG or Zip Code area may or may not be appropriate for this designation. Smaller areas may be more appropriate.

One commenter expressed a concern abut the impact of the demonstration on local property values, especially if the adjusted sales prices on properties become the comparables for future appraisals in a neighborhood. The Department does not anticipate that the demonstration will have an adverse effect on property values in a neighborhood. Rather, the purpose of the program is to stabilize, preserve, and improve those neighborhoods that are already experiencing a decline in property values. HUD believes the demonstration will have a positive impact on future sales and property values.

Four commenters asked that applicants participating in the demonstration be given the right of first refusal on properties available for the program. Before making property available to the general public for competitive sales, the Department will notify successful applicants of any properties entering the HUD-acquired inventory within their approved demonstration neighborhood for the duration of the demonstration, unless this provision is waived by the applicant or the applicant does not have current capacity to expand its project. HUD will notify the participant when a property becomes available for the demonstration, and the participant must notify HUD within 10 days of the notice whether it plans to purchase the property. If HUD does not receive a commitment to purchase within the 10 days, the property will be listed for competitive sale. (Properties may not become "available" for the demonstration program until first offered for disposition under other program regulations. However, the Department anticipates that most properties for the demonstration program will be those that have been on the market for a substantial period of time.)

Finally, a commenter requested that HUD make available all data it has to help prospective buyers evaluate the suitability of the demonstration program for their communities. HUD will make available to applicants any data that it generally collects and disseminates to program participants. In some instances, applicants may need to contact more than one HUD field office for information from Community Planning and Development or Economic and Market Analysis staff. However, facts and data about communities should also be available from local governments or public libraries.

Purchase Price

The August Notice described certain adjustments that an applicant may make to HUD's estimated fair market value of the properties in determining the purchase price. The first adjustment (9 percent) represents the real estate sales commission and estimated closing costs normally paid by HUD when a property is sold under the competitive sales program. A second adjustment is based on the savings to HUD of the daily costs of carrying the property in its inventory. The average per-day holding cost, which is currently $18.25, may be multiplied by the number of days the property is likely to remain in inventory. The final adjustment represents the estimated future decline of the property's value as a result of vandalism, general deterioration, and the impact on property values in the neighborhood caused by the concentration of vacant HUD-acquired properties.

Several comments were received with regard to these adjustments, ranging from suggestions for a straight 25 percent discount of appraised value to give-aways. One commenter suggested using a sliding scale pricing system based on volume and impact. Other comments concerned appraisals. The commenters generally believed buyers should have the option to obtain separate appraisals, with any difference between HUD's appraisal and the one obtained by the buyer to be negotiated.

The Secretary has a duty to protect and replenish the insurance funds from which mortgagees' claims have been paid, and therefore must balance the financial interest of the fund against the reason for price adjustments based on local circumstances. Giving the properties away or using a discount figure to be applied under all circumstances would not be in the best interests of the FHA insurance funds. The Department has determined, however, that further guidance on the adjustments is necessary.

With regard to the adjustment of the purchase price representing real estate sales commissions and estimated closing costs normally paid by HUD as the seller, the Department will allow up to 12 percent, depending on the amount

customarily paid by HUD in the particular jurisdiction.

The Department does not have data on its daily holding costs by jurisdiction, and will apply the national average of $18.25 per day to the adjustment representing daily costs of carrying the properties in inventory. However, if a field office has compelling evidence that its holding costs are routinely higher than the national average, this may be an additional consideration used in the calculation for the adjustment, if such consideration can be documented by the field office.

The price adjustment related to the estimated future decline of a property's value due to vandalism, general deterioration, and impact on neighborhood property values may be determined by a well-documented submission by the applicant or may be established by the field office, except in any case the adjustment may not exceed 10 percent of the estimated fair market value.

For applicants that propose to buy ten or more properties in a single closing, the Department is willing to deduct at the time of closing reasonable and customary closing costs normally paid by the buyer and the cost of obtaining financing in consideration of such a high volume purchase. Finders' fees and sales commissions may not be included as a cost of obtaining financing.

Applicants may obtain their own appraisals of properties from an independent appraiser using nationally recognized appraisal standards, which field offices may consider in determining fair market value. However, the cost of appraisals obtained by applicants will not be reimbursed as a customary closing or financing cost. If the difference between the two appraisals is substantial, HUD may consider obtaining another appraisal.

Rehabilitation

A requirement of the demonstration program, announced in the August Notice, is that initial purchasers of the properties must commit to provide all necessary rehabilitation to the properties within a reasonable time after closing.

Several commenters asked whether the rehabilitation of properties before ultimate resale to owner-occupants would have to meet local or state codes, FHA standards, or some other standard. Other commenters suggested that a deadline be set for the completion of rehabilitation.

The Department agrees that there should be standards for the rehabilitation, and will require that, within one year of closing and before occupancy, FHA minimum property standards be met. Any applicable local standards for decent, safe, and sanitary housing must be met within two years of closing, or sooner if required by the jurisdiction, to ensure the stabilization of the neighborhood in a timely manner.

One commenter stated that buyers should be allowed to use CDBG funds for rehabilitation costs, with the ultimate owner-occupant assuming the cost as a low-interest loan. After the rehabilitation loan is amortized, the commenter suggested, the acquisition cost could be recaptured at the same monthly payment with zero interest. Another commenter believes the Department should match rehabilitation costs dollar for dollar when the net proceeds of the sale are greater than $10,000 per property, with HUD's matching share payable on sale.

HUD has no authority to use FHA insurance funds as a grant or loan program for rehabilitation of properties. However, the demonstration program places no restrictions on the use of CDBG funds or other other HUD program funds for rehabilitation, but participants in the demonstration program cannot be given a preference for such funding. Applicants would be expected to arrange for any rehabilitation funding separate and apart from the demonstration program. The demonstration program also does not place any restrictions on financing agreements between buyers and ultimate owner-occupants, other than preferring that they be at below-market terms.

Finally, two commenters asked whether the wage and reporting requirements of the Davis-Bacon Act will apply to rehabilitation. These provisions do not apply to the rehabilitation of properties no longer owned by the Federal government at the time of the rehabilitation. Since all rehabilitation will be performed after title has transferred from the Secretary to the buyers, the provisions of Davis-Bacon will not apply.

Eligible Buyers

Eligible buyers of properties for the demonstration are State and local governmental entities and private nonprofit organizations. The prospective purchasers will be required to demonstrate not only an interest in furthering the underlying purpose of the program, but also a past history of providing housing for low- and moderate-income families. Purchasers must have the financial resources to complete the purchase and rehabilitation of the properties, as well as the capacity to provide, or assist in locating, a source of financing for the ultimate owner-occupants, preferably at below-market terms.

The August Notice announces that proposals will be accepted on a first-come, first-served basis. The Department would like to clarify that proposals will be reviewed and acted upon as received. In the event there are more proposals than can be approved, HUD will select the proposals that will have a substantial impact, will target sales to families with less than 80 percent of median income, and will result in the least cost to the insurance fund.

The Department received a copy of a resolution passed by the Legislature of the United States Virgin Islands requesting that the demonstration program include the Virgin Islands. HUD neglected to define the term "State" in the August Notice, and appreciates this comment pointing out this omission. For purposes of the demonstration, a "State" includes the several States, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, to the extent HUD-acquired properties are located in those areas.

One commenter suggested that preference be given to local governments, followed by State governments and nonprofits, to ensure greater participation of local neighborhood organizations. The commenter stated that preference to local governments would also help to ensure that rehabilitation is done correctly and that the properties are then sold to the target groups. Another commenter asked that nonprofits assisting disabled persons in homeownership be given a priority.

The Department does not believe that preferences should be given one category of buyer over another. However, the Department agrees that the participation by local neighborhood organizations and support of local governments is important, and encourages nonprofit organizations to consult with neighborhood organizations and local governments regarding their proposals. Evidence of local government support will strengthen proposals from nonprofit organizations.

Ultimate Owner-occupants

The August Notice provided that, for purposes of the demonstration, low- and moderate-income buyers are families or individuals whose incomes do not exceed the higher of: (1) The median

family income for the area, or (2) the national median income. The Notice also stated that HUD may grant an exception of up to 115 percent of median income where justified by the purchaser of the field office.

With regard to the income restrictions for ultimate owner/occupants, one commenter stated that HUD should consider using its standard 80 percent of the area median income, adjusted for family size. Other commenters suggested that HUD should consider raising the income eligibility level to 150 percent of median, while others would prefer that there be no income guidelines to promote an economic mix for the neighborhoods.

While the Department agrees that it is often desirable to attract an economic mix of residents to a neighborhood, one of the purposes of this demonstration is to provide affordable homeownership opportunities to low- and moderate-income persons. Therefore, the ultimate resale of demonstration properties must be to persons in that income category. However, the Department has revisited the issue of the definition of low- and moderate-income buyers. For purposes of this demonstration, low- and moderate-income families or individuals will be defined as those whose incomes, adjusted for family size, do not exceed 80 percent of median income for the area, as determined by the Secretary under section 3(b)(2) of the United States Housing Act of 1937. The Secretary's income limits are updated annually and are available from the Housing Management Division in HUD field offices. This change is being made to be consistent with other HUD program definitions, and to avoid rendering some owner-occupants in this demonstration ineligible for HUD's rehabilitation programs targeted to low- and moderate-income buyers.

As indicated in the section on eligible buyers, the August Notice stated that, in the event there are more proposals than can be approved, one selection factor would be for proposals that target sales to families with less than median income. This factor will be changed to favor proposals that target sales to families with less than 80 percent of median income.

Several commenters stated that the demonstration should allow for lease-purchase plans as a means of sale of low- and moderate-income buyers. HUD has no objection to the use of lease-purchase plans for the transfer of properties to ultimate owner-occupants. However, contracts for final purchase must be executed within 24 months of the property transfer from HUD to the initial buyer. Extensions of this time frame may be granted, at the discretion of the field office, in unusual circumstances.

HUD received three comments with regard to the availability of FHA-insured financing for the low- and moderate-income buyers. FHA-insured financing will be available to the ultimate owner-occupants of demonstration properties, provided the buyer and property meet all requirements for such financing.

One commenter suggested that HUD provide short-term, low-interest loans to ultimate owner-occupants for downpayments and closing costs. HUD recognizes that this is too often a burden for low- and moderate-income buyers, but FHA currently has no authority to provide such loans. Assistance may be available to low- and moderate-income buyers through other HUD programs or local government homeownership programs. The use of lease-purchase plans may also be helpful in such situations.

Several commenters expressed a concern that properties may be sold to investor-owners, stating that neighborhoods with vacant and abandoned houses do not need more absentee landlords. Demonstration properties may not be resold to investor-owners. In the contract of sale between the Department and the initial buyer, the buyer will be required to commit to resell to low- and moderate-income buyers. HUD will monitor occupancy after resale to ensure that properties are occupied by the low- and moderate-income buyers. Initial buyers who are concerned about the ultimate owner-occupant reselling to investor-owners within a certain period of time may make use of deed restrictions with reverter provisions prohibiting resale to persons other than low- or moderate-income occupants. However, HUD would expect that such restrictions are limited to five years after the first owner-occupant buys the property.

Finally, one commenter was concerned about the cost of relocating families who may be occupants of the demonstration properties when transferred from HUD to the initial buyer. The Department assumes that the commenter was referring to the applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601–4655), which requires that relocation assistance be provided to persons who are displaced as a result of acquisition, rehabilitation, or demolition for a program receiving Federal assistance. The Department does not anticipate that persons will be displaced as a result of the demonstration program, since all properties will be vacant at the time of the transfer from HUD to the initial buyer.

Proposals

The August Notice stated that proposals to purchase properties must contain at a minimum the following information:

1. *Location and number of properties*—The proposal must demonstrate that the properties are located in a neighborhood that meets the criteria for target neighborhoods and that the number of properties proposed to be purchased is sufficient to make an impact on the condition of the neighborhood.

2. *Purchaser*—The proposal must demonstrate that the purchaser meets the requirements for eligible buyers. Proposals from nonprofit organizations must contain proof of nonprofit status and a current audited financial statement, as well as background information on the experience of the organization in providing housing for low- and moderate-income families. Proposals must also set forth the method of financing the purchase and rehabilitation of the properties. Proposals must also describe the rehabilitation that will be undertaken and its estimated cost.

3. *Ultimate purchasers*—The proposal must state the plan for ultimate resale of the properties to low- and moderate-income buyers and the schedule for implementing the plan. The plan should include, to the extent known, the ultimate purchasers to be targeted, the outreach program to be used, and any assistance in financing for the ultimate buyers, preferably at below-market terms. The outreach program should include the purchaser's plan to conduct an affirmative marketing program, including special outreach activities, to attract persons least likely to apply to purchase a unit because of their race, color, religion, sex, and national origin.

Each proposal must contain a certification that the purchaser will not discriminate because of race, color, religion, sex, handicap, familial status, or national origin in the sale, advertising, of any financing or properties purchased under the proposal, in compliance with the Fair Housing Act, as implemented at 24 CFR parts 100–110.

Three commenters stated that buyers should be required to show support by the local government. The commenters believe that it is reasonable to ask how the demonstration will complement existing and community development programs. Such a requirement would

ensure discussion of the impact of the program on other local programs.

As indicated in the discussion above on Eligible Buyers, HUD will not require that proposals include evidence of local government support. However, the Department agrees that demonstrations should complement local programs, and encourages buyers to elicit local government support. A showing of such support will strengthen a proposal.

One commenter stated that approval of proposals should be by HUD Headquarters but implemented by field offices. Another stated that HUD should process proposals within 30 days, and the closing should be within 60 days after acceptance. The commenter also suggested that after a buyer has had one proposal accepted, it should not be required to submit its qualifications in subsequent proposals.

Applicants must submit proposals to HUD field offices, where they will be reviewed. Field offices will make recommendations to Headquarters within 15 days of receipt, and Headquarters will make a final recommendation to the Deputy Assistant Secretary for Single Family Housing within 15 days of receipt from the field office. Applicants will be notified of HUD's final decision within 45 days of initial submission of the proposal. Closings will be held within 60 days or less of HUD's approval of a proposal. Applicants with approved proposals need not resubmit evidence of qualification in subsequent proposals, provided the subsequent proposal contains a certification that there has been no change in the qualifications previously submitted.

A commenter stated that it may be difficult to show financing is available at the proposal stage, since financing is sometimes hard to obtain without site control. The commenter suggests that HUD provide interim financing. FHA has no authority to provide interim financing, but will accept in the proposal a commitment letter from a lender demonstrating that financing is available on terms compatible with ultimate low- and moderate-income ownership of the properties involved if the proposal is approved by HUD. This level of commitment can generally be obtained without site control if the rest of the financial package is in place. Properties designated by a proposal for initial inclusion in the demonstration will be held off the market at the point when the field office recommends approval of the application to Headquarters.

Another commenter objected to the requirement that an affirmative marketing program include special outreach activities to attract persons least likely to apply because of their race, color, religion, sex, and national origin. The commenter stated that while it supports requirements that all potential purchasers be made aware of housing opportunities, it opposes "race conscious programs even when those programs purport to support integration." The commenter suggested that rather than special outreach activities that target special groups, HUD should require a plan that incorporates the fair housing advertising guidelines at 24 CFR part 109.

The commenter is correct that marketing of demonstration properties must incorporate fair housing advertising guidelines at 24 CFR part 109. However, those guidelines do not restrict affirmative advertising efforts designed to attract persons who would not ordinarily be expected to apply, when such efforts are pursuant to an affirmative marketing program. One of the Secretary's priorities is enforcing fair housing for all persons. In keeping with this priority, the Department expects that outreach programs will include affirmative marketing plans designed to reach groups least likely to apply. (For assistance in designing such a plan, applicants should consult 24 CFR part 200, subpart M.)

HUD will provide technical assistance to program participants to the extent resources are available. Participants are not restricted from engaging technical assistance from other sources.

Certification Regarding Lobbying

On February 26, 1990, at 55 FR 6736, the Department joined in the issuance of a governmentwide interim rule advising recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans, for $100,000 or more, of a new prohibition regarding the use of appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. In general, this rule prohibits the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. In addition, the recipient must also file a disclosure if it has made or has agreed to make any payment with nonappropriated funds that would be prohibited if paid with appropriated funds. Applicants should refer to the governmentwide rule for the language for the certification and disclosure. As indicated in this certification and disclosure, the law provides substantial monetary penalties for failure to file the required certification or disclosure. The certification must be included in the applicant's proposal.

III. Other Matters

The collection of information requirements for the proposal to be submitted for this demonstration were submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980, and were approved by OMB and assigned OMB control number 2502–0444. Collection of information requirements for data on the ultimate owner-occupants of properties and rehabilitation costs have been approved and assigned OMB control numbers 2502–0059 and 2502–0111.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street SW., Washington, DC 20410.

The General Counsel, as the designated official under Executive Order 12606, The Family, has determined that this demonstration program may have a potential significant impact on the formation, maintenance, and general well-being of families to the extent that the program will provide expanded homeownership and affordable housing opportunities for low- to moderate-income families. These opportunities will have a positive impact on families by improving their housing and enabling them to remain together and to live in decent, safe, and sanitary housing.

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, Federalism, that the policies contained in this Notice will not have federalism implications and, thus, are not subject to review under that Order. The demonstration program will reduce the inventory of HUD-acquired properties while preserving and maintaining residential areas and communities, as well as expanding homeownership and affordable housing opportunities to low- and moderate-income families.

Dated: November 16, 1990.

Arthur J. Hill,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 90–27899 Filed 11–27–90; 8:45 am]

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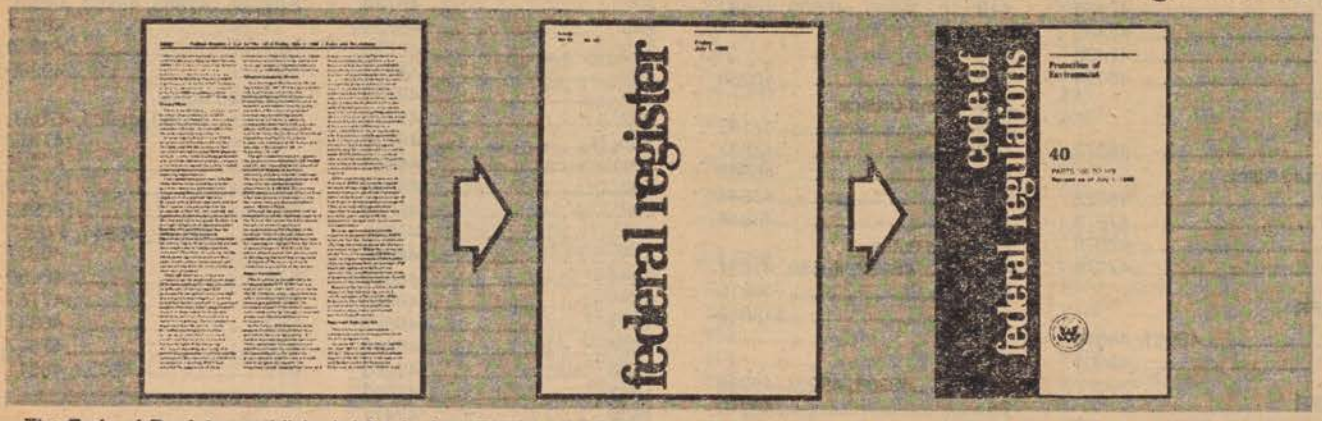

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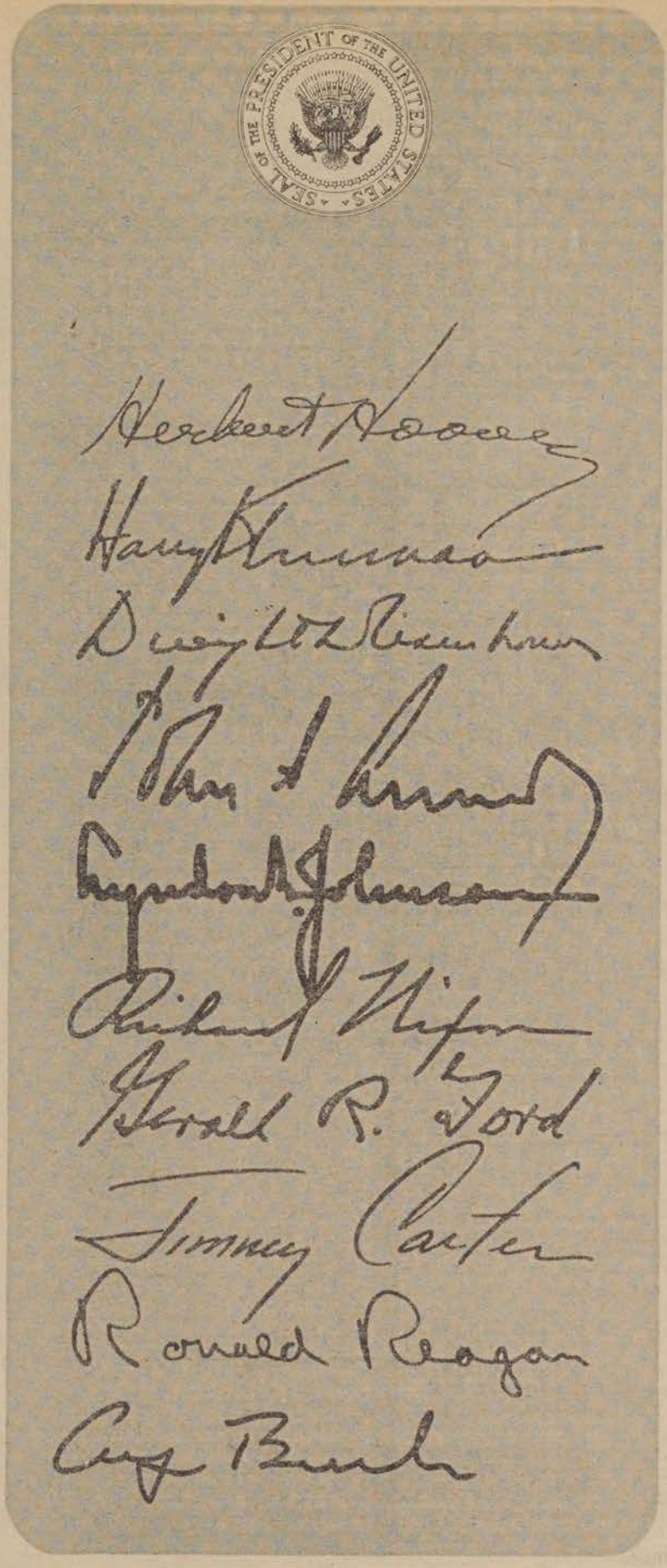

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